NATIONAL SECURITY REVITALIZATION ACT

Y 4. IN 8/16: SE 2/2

National Security Revitalization Ac...

HEARING

AND

MARKUP

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

H.R. 7

JANUARY 24, 27, 30 AND 31, 1995

Printed for the use of the Committee on International Relations

MAY 29 1995

U.S. GOVERNMENT PRINTING OFFICE

89-699 WASHINGTON : 1995

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-047088-9

NATIONAL SECURITY REVITALIZATION ACT

Y 4. IN 8/16: SE 2/2

National Security Revitalization Ac...

HEARING

AND

MARKUP

BEFORE THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

H.R. 7

JANUARY 24, 27, 30 AND 31, 1995

Printed for the use of the Committee on International Relations

MAY 29 1995

U.S. GOVERNMENT PRINTING OFFICE

89-699 WASHINGTON : 1995

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-047088-9

COMMITTEE ON INTERNATIONAL RELATIONS

BENJAMIN A. GILMAN, New York, *Chairman*

WILLIAM F. GOODLING, Pennsylvania
JAMES A. LEACH, Iowa
TOBY ROTH, Wisconsin
HENRY J. HYDE, Illinois
DOUG BEREUTER, Nebraska
CHRISTOPHER H. SMITH, New Jersey
DAN BURTON, Indiana
JAN MEYERS, Kansas
ELTON GALLEGLY, California
ILEANA ROS-LEHTINEN, Florida
CASS BALLENGER, North Carolina
DANA ROHRABACHER, California
DONALD A. MANZULLO, Illinois
EDWARD R. ROYCE, California
PETER T. KING, New York
JAY KIM, California
SAM BROWNBACK, Kansas
DAVID FUNDERBURK, North Carolina
STEVEN J. CHABOT, Ohio
MARSHALL "MARK" SANFORD, South Carolina
MATT SALMON, Arizona
AMO HOUGHTON, New York

LEE H. HAMILTON, Indiana
SAM GEJDENSON, Connecticut
TOM LANTOS, California
ROBERT G. TORRICELLI, New Jersey
HOWARD L. BERMAN, California
GARY L. ACKERMAN, New York
HARRY JOHNSTON, Florida
ELIOT L. ENGEL, New York
ENI F.H. FALEOMAVAEGA, American Samoa
MATTHEW G. MARTINEZ, California
DONALD M. PAYNE, New Jersey
ROBERT E. ANDREWS, New Jersey
ROBERT MENENDEZ, New Jersey
SHERROD BROWN, Ohio
CYNTHIA A. McKINNEY, Georgia
ALCEE L. HASTINGS, Florida
ALBERT RUSSELL WYNN, Maryland
MICHAEL R. McNULTY, New York
JAMES P. MORAN, Virginia
VICTOR O. FRAZER, Virgin Islands (Ind.)

RICHARD J. GARON, *Chief of Staff*
MICHAEL H. VAN DUSEN, *Minority Chief of Staff*
STEPHAN G. RADEMAKER, *Chief Counsel*
FRANK RECORD, *Senior Professional Staff Member*
VERONICA A. CRAIG, *Staff Associate*
TRACY E. HART, *Staff Associate*

CONTENTS

WITNESSES

	Page
Tuesday, January 24, 1995:	
Hon. Jeane J. Kirkpatrick, former U.S. Permanent Representative to the United Nations	2
Barry Blechman, chairman, The Henry L. Stimson Center	29
Friday, January 27, 1995:	
Markup of H.R. 7 (no witnesses)	41
Monday, January 30, 1995:	
Markup of H.R. 7 (no witnesses)	125
Tuesday, January 31, 1995:	
Markup of H.R. 7 (no witnesses)	191

APPENDIX

H.R. 7, The National Security Revitalization Act	287
Hon. Jeane J. Kirkpatrick, biographical sketch	352
Barry Blechman, prepared statement	353
Report on Peacekeeping and the U.S. National Interest, February 1994	362
Hon. Robert Menendez, prepared statement	386
State Department views on H.R. 7	388
Remarks by Ambassador Madeleine K. Albright on H.R. 7	392
Letter from UNA/USA regarding H.R. 7	402
Article entitled "Peacekeeping Accounts Get Needed GOP Scrutiny" by Jeane Kirkpatrick, Los Angeles Times Syndicate, 1995	405
Prepared statements:	
Joint Chiefs of Staff to Hon. Newt Gingrich	407
Hon. Albert R. Wynn	408

H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

TUESDAY, JANUARY 24, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The committee met, pursuant to call, at 10 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman [chairman of the committee] presiding.

Chairman GILMAN. The committee will come to order.

We welcome our distinguished visitor, the Honorable Jeane Kirkpatrick. I am pleased that we will have an opportunity this morning to review H.R. 7, the National Security Revitalization Act of 1995, which will be marked up by our full committee on Thursday of this week, Thursday afternoon.

This legislation is 1 of 10 bills included in the Contract With America, to be considered in the first 100 days of the 104th Congress.

Specifically, the National Security Revitalization Act contains provisions that will, one, place tight restrictions on foreign command of U.S. troops in the U.N. peacekeeping operations; secondly, ensure that we get full credit in our U.N. peacekeeping assessments for our incremental and indirect DOD spending for U.N. peacekeeping operations; and third, require reports and detailed information from the President to the Congress before we provide any funding or troops to a U.N. peacekeeping mission; and lastly, to ensure that NATO expansion will be a top priority in the current administration's foreign policy.

I look forward to hearing from our expert witnesses on these issues. After serving for more than 4 years as our U.S. Representative to the U.N., Dr. Jeane Kirkpatrick resumed her position as Leavey Professor at Georgetown University and a Senior Fellow at the American Enterprise Institute.

Dr. Kirkpatrick is writing a book on the United States at the U.N. and is one of the most active participants in the ongoing public dialogue on America's role in the world.

Dr. Kirkpatrick has received many awards and honors, including the Medal of Freedom. It is our great honor and privilege to have her before our committee today.

Dr. Blechman has also had a distinguished public service career and has a long list of books to his credit, including "The American Military in the 21st Century" and "The Politics of National Defense."

Before hearing from our witnesses, I wanted also to remind my colleagues that we will be recognizing those Members present in order of seniority when our meeting begins, and thereafter I will recognize Members based on order of arrival. We will alternate our questioning between the Majority and the Minority.

Do any of our Members have opening statements that they would like—yes, I would be pleased to recognize the gentleman from Connecticut, Mr. Gejdenson.

Mr. GEJDENSON. I just want to say I think this particular proposal that would prevent the President from engaging in any realistic way in multinational peacekeeping efforts through the United Nations is particularly dangerous and would leave the United States in a position and without ability to act in a manner that would give us other nations to protect in peacekeeping efforts.

It would leave a President with really the only option of moving unilaterally with American forces without any support from other nations. And that would make every crisis around the world in the final analysis, in my opinion, an American crisis solely. That is the last thing we want to see happen.

It would leave the United States in a situation much as it was after the failure to join the League of Nations in World War I, sitting by either watching the world disintegrate, or we would have the choice of unilaterally taking action in almost every incident.

I think that this is a very dangerous proposal. I hope the committee spends an adequate amount of time reviewing it. Our only hope is to prevent a world where American unilateral action is the only answer to crises.

It is not supported by the American people and certainly shouldn't be the way this Congress goes.

Chairman GILMAN. I thank the gentleman for his comments.

Is there anyone else who cares to make an opening statement?

If not, Dr. Kirkpatrick.

STATEMENT OF HON. JEANE J. KIRKPATRICK, FORMER U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS

Ms. KIRKPATRICK. Thank you, Mr. Chairman. I thank you and the committee for inviting me to discuss these important issues concerning U.S. foreign policy and national security this morning.

I have had the pleasure of appearing before this committee on a number of occasions, over the last 15 years or so, and it is always a pleasure for me. It is, of course, the first time I have appeared before a Republican chairman.

It is therefore a special pleasure for me to greet the new Chairman, my friend, Congressman Ben Gilman, who I am certain will continue the good work and high standards for which this committee is well known, and I say that quite sincerely.

I have read the National Security Revitalization Act with great interest, and frankly I congratulate those who have prepared it. To facilitate this discussion, I shall keep my remarks brief and follow the organization of the bill itself in my remarks.

I believe that it is to be expected after such dramatic changes that U.S. Presidents and Congresses and ordinary Americans, having borne a huge burden for a very long time, were eager to lay down a portion of that military burden, or at least find others to

share it. And I was not therefore surprised, as I suppose no one was, by the deep cuts that both the Bush administration and the Clinton administration in U.S. forces; nor was I particularly surprised that the Clinton administration planned further cuts.

I share the view of this bill, however, and I believe a majority of Americans share the view, that although understandable and appropriate to some extent, the cuts have now gone too far. And I believe the Congress and the National Security Revitalization Act have arrived just in the nick of time.

Our military forces are beginning to go hollow, and are feeling the full impact of schedules and budgets which leave them overdeployed and undertrained, overworked and underpaid.

It is also a moment at which outlaw states in North Korea, Iran, and Iraq, are shopping on the open market for men and material that will enable them to become nuclear powers, possessing missile technology necessary to deliver weapons of mass destruction. We know they are working hard to acquire those assets. And that alone proves we cannot take our own security for granted.

Addressing Title II, therefore, concerning missile defense, I especially applaud the clear understanding reflected in the National Security Revitalization Act that the spread of weapons of mass destruction and their technology makes the United States itself vulnerable to attack by aggressive dictators who acquire nuclear weapons and long range miss sills. Although what George Washington called our blessed location has kept us safe from the aggressive design of other major powers in our history until now, some Americans find it almost impossible to conceive that we could now be vulnerable.

But in fact, Mr. Chairman, I regret to say we can neither count on our blessed location any longer to fully protect us, nor can we count on mutually assured destruction to protect us. Governments such as North Korea and Iran and Iraq and Libya and other outlaw states, which do not respect the rights of their own population, can hardly be expected to be deterred in their own military designs by threats of reprisal.

I am therefore personally extremely pleased, and even relieved that the National Security Revitalization Act calls for deployment at the earliest possible date of an antiballistic missile defense system that can defend the United States against a ballistic missile attack.

It is the only way, I believe, that the U.S. Government can fulfill its constitutional obligation to provide for the common defense. I am also pleased that the act calls for deployment at the earliest possible date of an effective theater missile defense to defend our military forces in the field and our allies.

We hope none of this will be needed. It is imprudent to trust one's security simply to hopes.

Without it, we and our allies would be susceptible to nuclear blackmail and vulnerable to destruction, and our policies in the world will suffer dramatically from such vulnerability.

Also, addressing Title III, I applaud the proposal to appoint a commission of qualified persons to review our long-term national security needs in the post-cold war World, and to make recommendations about how we can best meet our defense needs. I

think the changes in the world and in our strategic needs are so sweeping and so dramatic that it behooves all of us, in both parties, to think again, together and separately, about how most economically and effectively to provide for our needs in this post-cold war world.

And I believe that a review conducted by highly qualified persons might well serve as the basis of broad bipartisan cooperation on these vitally important issues.

Concerning Title IV, I would say I warmly support the position, and the recommendations of the National Security Revitalization Act. The U.S. military forces operating under Chapter VII authorizations of the U.N. Charter should not be placed under U.N. command or control.

Let me say, Mr. Chairman, that, as you know, Chapter VII authorizations permit the use of force, the use of necessary force, to achieve stated goals of the Security Council. The idea that U.N. forces—not just U.S. forces, but anyone's forces—should be operating under Chapter VII, using force in the world (not peacekeeping as it has always been defined and implemented), should be placed under the command of the United Nations Secretary General, is unprecedented it never existed, never really was recommended until the current Secretary General and the current U.S. President, after the recommendations of Secretary General Boutros Boutros–Ghali to President Clinton.

It is a totally new idea. I believe it is a bad idea. And I believe that no Secretary General whenever, whoever, should have the power to set the U.N. agenda or should seek to exercise military command and control over military forces performing a military operation.

Secretaries General of the United Nations are not chosen for military skills and competence, nor do we want them to be. We want them to be men of broad experience, especially in diplomacy. The United Nations, let us recall, is designed to discourage the use of force in the world, not to increase it.

Somalia, everyone understands, I think, was the first experience of not just U.S. forces but any forces operating under Chapter VII, under U.N. command. Most people I think don't really quite fully appreciate that this was a new idea, an unprecedented idea, and that it had never been tried until Somalia.

Peacekeeping before Somalia was a very different kind of an enterprise, which took place only where there was a cease-fire or an armistice, with the consent of the parties, where there was agreement, and effectively no danger, and using minimum force and minimum weapons.

The Secretariat, as it demonstrated, I believe, in Somalia, and in Bosnia, is not trained to command forces. The Secretary General is not trained to command forces. Placing forces under U.N. military command and control is a recipe for failure, as we have seen in Somalia.

It does not help to achieve the goals of the U.N. Security Council. It does not, in my judgment, promote peace and security in the world. It is not an effective instrument of collective security.

This is really the issue: Is it an effective instrument of collective security? I believe the answer is clearly no.

The tragic Somalia experience demonstrates many of the reasons why this is the case. You know, there are many problems with the kinds of practices which have just developed in the last 2 years concerning the deployment of military forces under U.N. command. Some of the questions, that these practices have raised concern the powers of the Congress of the United States itself.

Many Americans in the Congress and out of the Congress wonder how the U.S. Congress can fulfill its constitutional role in the declaration of war if U.S. troops are deployed for war-making purposes or for conflict which may involve war on the basis simply of decisions of the U.N. Security Council.

They wonder if deploying troops without congressional consent is not a violation of the U.S. Participation Act of 1945, which requires the approval of Congress when the United States contributes more than 1,000 troops to a U.N. operation. They wonder how Congress can exercise its fiscal responsibilities under such circumstances.

I would like to say, Mr. Chairman, as I think you understand, I have always been a strong proponent of the importance of the exercise of the constitutional oversight and participation in policymaking of the U.S. Congress. I don't change my views on this subject when parties change in control of the Congress. I have believed that the Congress has an exceedingly important role to play and can only do so under our Constitution as it exercises the powers vested in it.

I am not suggesting that the United States should refuse to participate in military actions mandated by the U.N. Security Council. I would like to be very clear about this, and I would like to be clear that I am not suggesting that the United States should refuse to participate in military actions mandated by the Security Council and designed to provide for collective security.

Iraq's invasion of Kuwait was a classic case of international aggression in which the armed forces of one state invaded another country in clear violation of international law. The Security Council demanded the withdrawal of Iraq's forces from Kuwait immediately and unconditionally; authorized member states to use all necessary means to effect Iraq's withdrawal; called on member states to provide necessary support; and instructed that the Security Council be kept informed of all actions taken under that resolution.

In Kuwait, the goal was as clear as the remedy. A multinational force was recruited and operated in that case under U.S. leadership. It is not necessary that such a force operate under U.S. leadership in order to implement the requirements of Security Council resolutions, however. In Rwanda, France has assumed a particularly responsible role.

The point is that the Charter of the United Nations foresaw that permanent members would assume special responsibilities for the implementation of military operations under Chapter VII. So far in the history—and it is a limited history—of the use of military force as foreseen by the Charter is a record of success. It was successful in Korea, successful in Iraq.

No subsequent action has been as clear or as successful as the intervention of the U.N. forces under U.S. leadership to turn back Iraq's invasion of Kuwait. President George Bush, of course, took the initial step to provide emergency humanitarian assistance in

Somalia. And that was done, and hundreds of thousands of Somalis were saved from famine, and I am certain we all applaud that action and support it, as certainly I supported it at the time.

Now, President George Bush also declined to accept a redefinition of the mission, what is called "mission creep" in U.N. language. He declined to accept the mission of disarming warlords, because, he said, that would involve us too deeply in the internal politics and violence and state building of that country.

I think that was wise as well. When that happened, when President Clinton was inaugurated and a new resolution was passed, UNOSOM II, I quite frankly believed initially that the Clinton administration had accepted that extremely difficult task, which I believed to be doomed to failure, because of lack of experience, frankly, operating in that terrain.

I regret the fact that the Somalia actions under UNOSOM II have been as unsuccessful as I believe one could predict they would be. And I believe also that the death of American Rangers in Mogadishu under UNOSOM II was predictable, as predictable as it was tragic—not that those particular Rangers would die, but that participation in this type of operation, in an ad hoc coalition, made of multinational forces who have never trained together, who do not know one another, under a command which has never trained together and has no experience in such operations, is a kind of recipe, I think, for danger.

Operating on the basis of inadequate intelligence in such a situation, which will happen again and again, is a recipe for failure.

In Bosnia, Mr. Chairman, of course, as we all know, in that tragic situation, U.N. forces operating in the UNPROFOR mission have not been able to achieve their humanitarian goals or their military goals. As a matter of fact, they have in the process, I think, lost a sense of direction.

Today, almost no one can articulate the goals of the UNPROFOR forces in Bosnia. Certainly they are not to repel aggression, which is the action authorized by the U.N. Charter. Certainly their goal is not to lift sieges, because they would have behaved otherwise. Their goal is not to feed hungry people, because they would have behaved otherwise.

I congratulate the President and the Clinton administration for taking the initiative and persisting in the initiative of feeding Bosnians and civilians in towns under siege even in the face of opposition from the United Nations and from some allies as well. But U.N. forces have not been able to restore peace. They have not kept secure zones secure. They have not protected the civilian population or evacuated the wounded. They have not removed heavy weapons from the zones from which they were to be removed. Every deadline set by NATO has been missed, every safe zone violated, every effort to follow the U.N. mode of operation there has been rebuffed.

Humiliation of U.N. forces has been tolerated and has intensified. Attacks on civilians are a daily occurrence. And with all its force, NATO has only been able in the last months to attack a runway and three missile sites.

Operating under rules of engagement promulgated by the Secretary General, peacekeepers have maintained a bizarre neutrality

between the ethnic cleansers and the cleansed; between the refugees driven from their homes and those who drove them out; between the rapists and their victims.

Peacekeeping as traditionally conceived takes place with the consent of the parties, is neutral as between the parties to a conflict, and utilizes minimum force. Peacekeeping takes place when there is no finding of aggression by the Security Council. Peacekeeping takes place under an authorization of Chapter VI, not under Chapter VII.

A determined aggressor can readily overcome peacekeepers. This is a very important limit on the utility of peacekeeping. Peacekeepers cannot repel aggressors. The U.N. Charter makes the protection of victims of aggression the central focus of collective security provisions, the central grounds for the use of force.

But this emphasis is wholly missing from today's conception of peacekeeping. The United States and other governments, I think, can continue to cooperate with the United Nations, but we cannot rely on United Nations control to provide collective security arrangements or to maintain peace or to protect against aggressors.

And I congratulate the authors of this bill for facing this harsh fact. I wish these facts were not so. I wish they were not facts. They *are* facts. We have had enough experience to know that.

So I think we must face it. And having faced it, I believe we need to take steps to reach our goals.

One, I would suggest we work through the United Nations High Commissioner on Refugees on refugee problems; through UNDP on development and aid; through UNICEF on assistance to children; through the United Nations peacekeeping provisions on real, limited, small-scale, undangerous, unarmed peacekeeping where there is peace. And let us work through our own command structures and those of our allies to perform alone and with others equally competent the dangerous tasks for which they are well-trained and well-commanded.

Mr. Chairman, operations which have a serious goal will not seek to multiply the number of countries, languages, and cultures in peace operations. No group of persons from 30 or 42 or 47 countries, speaking more languages than we can imagine, can be effectively combined in an ad hoc force. It just is not serious. Neither is replacing a crack unit of 1,000 men who know the terrain with 1,000 unarmed men who have just arrived in the country, unequipped, from another continent.

Such command and control, Mr. Chairman, I suggest, has goals other than effectiveness. I welcome the requirements of the act to protect U.S. forces from frivolous and dangerous operations, and to save the concept of collective security and the practice of collective security from such ineffective arrangements.

I applaud as well the requirements of the act to tighten fiscal controls on these operations, to require careful reporting and reimbursement of contributions in kind. I welcome the provisions of the act that will, if implemented, stop the careless stripping of the Defense Department and of our military force.

I welcome the requirement for reimbursement of the Defense Department for unauthorized transfers. I welcome the participation of the Congress in reaching decisions about what are realistic needs

for promotion of United Nations operations which have a reasonable chance of success and which we support.

I support collective security, Mr. Chairman, as you know, and collective responsibility. I believe we owe no less to American taxpayers.

Finally, I think you know, because we have discussed it, and several of us have discussed it, that I have for several years, really since the end of the cold war, strongly believed in the expansion of NATO. I believe if we do not act soon we will lose the opportunity. I think the window of opportunity is already closing. And that will be very sad and potentially dangerous if we let it happen.

NATO is the most successful alliance and exercise in collective security of democracies in human history. It was our creation and we should cherish it and we should help it grow.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Blechman and the report appear in the appendix.]

Chairman GILMAN. Thank you, Madam Ambassador. Your review certainly will provide a great deal of assistance to us as we struggle with this markup.

I am particularly interested in your views on NATO expansion. I would welcome your thoughts about how quickly we should be moving toward NATO expansion. Some have said yes, but go slowly. Others have said we ought to do it as quickly as possible. Whether or not we ought to go beyond the countries we have put in our first measure that we have adopted of Slovakia, Hungary, Poland, and our other—the Czech Republic, Slovakia, Hungary, Poland.

How do you feel about whether we should move expeditiously, whether we ought to slow down the process? What about those who criticize that Russia would be very much threatened by all of this?

Ms. KIRKPATRICK. Mr. Chairman, I believe, also in a nonpartisan spirit, I began to advocate the expansion of NATO, very actively and publicly, more than 3 years ago, and in official arenas of the Bush administration. I criticized the Bush administration for its failure to take more initiative and act more expeditiously. I did not believe that that was too soon. I believe that we are rapidly moving toward a time that may be too late.

I was concerned, for example, that the Foreign Minister of Poland, who has worked so hard for his nearly 4 years tenure during Poland's whole modern contemporary democratic experience, to achieve the inclusion of Poland in NATO above all, and also the European Union, has resigned 2 weeks ago out of frustration and out of, I think, a kind of pessimism about the ability to achieve this goal.

And he is replaced by someone who is no such partisan of unity, of identification and solidarity of Poland with the West. That sort of move from democrats—small "d" democrats—working for constitutional democratic governments, is underway, as you know, in a number of Eastern and Central European countries.

So I believe that we have been almost dangerously slow in our action, and that the Partnership for Peace is not enough, and everyone who is interested in this subject understands that it is no substitute for the expansion of NATO, for membership in NATO or

to the new democracies who desire to be members of NATO. I am speaking above all of Poland, Hungary, the Czech Republic, Slovakia, who formally applied.

Chairman GILMAN. What of the critics who say you are going to threaten Russia or Russia will feel threatened by a perception of expanding NATO?

Ms. KIRKPATRICK. Mr. Chairman, I have a lot of respect for the Russian people, and some respect for the Russian President and his associates. And I believe they know the difference between a defensive alliance and one that might threaten Russia.

NATO is a defensive alliance. It acts and has the authority to act only for defense. And I believe that it is those Russians who do not work for a democratic Russia and cooperation with the other democracies who oppose the expansion of NATO and see it as some sort of a threat.

I believe we should also work on a close relationship, and even a security relationship, with Russia.

Chairman GILMAN. Just one more question. It has been noted by some of our folks who are in the U.N. that if we were to credit our defensive initiatives and peacekeeping costs to the allocation that we should be paying to the U.N., that we may do a great deal of harm to the U.N. financing. What are your thoughts on that?

Ms. KIRKPATRICK. I do not believe it would harm the United Nations to be forced to adopt public and responsible accounting procedures. And I do not believe it would harm the U.S. Government to do the same.

I called again and again in my years as U.S. Permanent Representative to the United Nations for a full accounting of U.S. contributions. I am, among other things, long since very tired of hearing the United States being called the world's great deadbeat and the country that doesn't pay its dues, those sort of insults to our country.

The fact is, we need to know what we are doing. They need to know what we are doing. And then we need to decide what we should do.

Chairman GILMAN. Thank you, Madam Ambassador.

Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman.

I want to welcome Ambassador Kirkpatrick, who has served this country with such extraordinary distinction at the United Nations and elsewhere.

Let me begin by saying, Madam Ambassador, that throughout our long friendship, I again find myself in agreement with many, many of the statements you made. But I will be focusing on the ones where we are in disagreement.

I found it distressing that in your excellent presentation you made no reference to the appalling failure of the Western powers, including the United States, in dealing with the Yugoslav crisis at its outset. I think there are plenty of public statements by you on the record, which I was hoping you might repeat, expressing your scathing criticism of the Bush administration for standing by at a time when the Yugoslav crisis could have been prevented.

I think it is self-evident that there are moments when the course of history can be changed, and if we miss those moments, we can-

not replay the game. That is exactly where we are with respect to Yugoslavia, which raises the question of U.S. leadership.

As you know, I was among the minority of Democrats who strongly supported President Bush with respect to the Persian Gulf war. When history books are written from the vantage point of the end of the 21st century, the Bush administration will get a great deal of credit for that action, just as it will get a great deal of fully deserved blame for its indifference and inaction with respect to Yugoslavia.

I must say that your comments did not give me the impression that you sense the degree of self-destructive isolationism that is sweeping this Congress and is sweeping much of the country, because clearly under the guise of devising very neat formulas, we completely overlook the reality in the world.

For instance, under the legislation now being proposed, the Korean action could not have been undertaken, even though it was undertaken overwhelmingly with U.S. resources and troops, and it was necessarily undertaken. The Gulf war could not have been undertaken. We would have had to insist in advance on cost sharing, which under the circumstances would have been absurd.

I don't think it is very helpful to perpetuate the notion that neat, legalistic formulas can be devised by Congress which deal with a very messy reality.

I suspect there is no way that United Nations peacekeeping operations can be continued if the contract in its present form is adopted by the Congress, because while it is very desirable to see to it that other nations carry their fair share of the load—you and I have favored it all along—I think one must make a distinction between Bolivia and the United States, between Albania and the United States.

And not to recognize that in the logistical arena we possess capabilities unique on the face of this planet, which we either have the option of using unilaterally or under a United Nations umbrella, or we have the option of abdicating our global leadership. As the only superpower on the face of this planet, we cannot pretend to be an Albania, we cannot pretend to be a Bolivia.

And I think it serves no interest of the United States to pretend that devising neat formulas is a substitute for dealing realistically with an enormously messy world.

So I would be very grateful if you would comment on any of these observations.

Ms. KIRKPATRICK. All three, if I may, Congressman Lantos. You know I am always open to taking most seriously your views on all subjects.

You know also, as you have said, that I was a strong and persistent critic of the Bush administration's policies with regard to former Yugoslavia.

Mr. LANTOS. May I just ask, do you also agree that was the only time when we had viable solutions, that there are no viable solutions beginning in 1993, that by that time, the damage was done?

Ms. KIRKPATRICK. I agree with you. It is a little like NATO today. I think it would have been easier and better, and it might even have been possible to avoid wide-scale violence and loss of life had it been undertaken at the time that the first actions by Serbia

were taken against Slovenia and then against Croatia, before they even got to Bosnia-Herzegovina.

It is always easier to deal with crises in the beginning than after they have developed.

Let me just say, I agree with you, this is a bipartisan failure. I personally also said and wrote that I had high hopes for President Clinton adopting a bolder, and if I may say so, more principled policy than the Bush administration had in former Yugoslavia, and I was disappointed then again, as I am certain that you were as well.

I believe that the capacity of United Nations command to turn even wonderful forces into messy and also impotent ones, can be viewed with miserable clarity in Bosnia-Herzegovina, where we see that NATO is denied even the option of protecting its own UNPROFOR forces when they are under direct threat by Serbian guns.

The reason that I oppose U.N. command and control for U.S. forces and all forces operating under Chapter VII is not that I don't believe in collective security, and not that I don't believe that we should act in cases such as Iraq, for example, or Korea, but because I believe that it is impossible to act effectively under U.N. command and control.

For me, this is a question of effectiveness, above all, the effectiveness of efforts to build a peaceable world. And I just don't think you can do it that way.

Mr. LANTOS. I fully agree.

Ms. KIRKPATRICK. I say let's keep peacekeeping for peace and war-making for war. NATO is not a peacekeeping force and the United Nations is not a war-making force. And we need to bear that in mind, I think.

Chairman GILMAN. The gentleman's time has expired.

Thank you.

Mr. Goodling.

Mr. GOODLING. I guess I have to figure out how you play that game here. I do a lecture for 5 minutes and then she has an opportunity to answer for 5 minutes? A little bit of each? OK.

Well, first of all, I think the European Community certainly had a tremendous amount of security interests in what happened in Yugoslavia, and I can't give them too much credit for the way they handled the situation either.

I traveled with the First Lady to the opening of the 48th session as a representative from here, and I gave her some pillow talk for her husband, I hope. In a follow-up to a letter I had written to the President, I had great concern that the United Nations was moving rapidly from a peacekeeping mission to a nation-building mission, and I didn't believe that with our help or without our help, that they could carry out that kind of responsibility.

I also had concern about the small number of troops we sent in sort of as a trip wire, and I would like you to comment on those two concerns.

Ms. KIRKPATRICK. Congressman Goodling, I would like to say that I am pleased that you reminded us of who had the initial responsibility and finally the ultimate responsibility for acting in the former Yugoslavia. It was, of course, the European Community, a

fact which was recognized by the negiotator of the European Community at the time that real war developed in Croatia, when Mr. Poos, then Lurembourg's Foreign Minister, said that this is a European problem to be solved by Europeans, and that there is no role for the United States here.

And I believe that President Bush agreed with him, let me say. I think the most tragic failure in Yugoslavia, and Bosnia-Herzegovina, was the total failure of the European Union's security arrangements, and it is even greater because of their initial assumption of full responsibility, I think.

They need to face their own failure to confront almost any aspect of this reality effectively. I notice that General Rose has just received a fifth star from his government. I am not sure anybody deserves stars for anything that has happened recently in Bosnia-Herzegovina, personally.

With regard to sending small numbers of U.S. forces anywhere, positioning them, as in Macedonia, we have some now I guess it is about 600 U.S. troops in Macedonia operating as, quote, "peacekeepers." I think that is dangerous.

There was a practice under peacekeeping, as it was always conceived until the Boutros–Ghali/Clinton departures it was always conceived that the major powers should not be participants in peacekeeping operations; that the major powers, that is, the permanent members of the Security Council, having widespread interests in the world, and should leave peacekeeping operations to middle sized and smaller powers, on grounds that the major powers are more provocative and they are more inflammatory to people who see them and who deal with them; that they are, moreover, needed for major collective security operations, such as, for example, Desert Storm.

I think this is sound. I am sorry that there are Americans in Macedonia and I hope we will withdraw them. I don't feel very good about giving anyone the authority to deploy up to 50 U.S. forces under U.N. command in any situations where there is an expectation of violence.

This is why I concluded this was desirable to think in terms of authorizations under Chapter VII of the U.N. charter.

Chairman GILMAN. Thank you. The time of the gentleman has expired.

Mr. Berman.

Mr. BERMAN. Thank you, Mr. Chairman.

Ambassador Kirkpatrick, let's assume we are having this hearing in the spring of 1990, and I find I have a hard time believing that you as Ambassador to the United Nations, advising the President, or, who knows, perhaps National Security Adviser some day advising the President, would tell him to take this bill and sign it lock, stock and barrel, in the form that it is in.

I hear what you say, and nothing you say is inconsistent with significant changes in these provisions. What you say is inconsistent with these provisions in the form they are in now.

You talk about Chapter VII, peacekeeping, peacemaking operations, and talk about the command and control provisions. But this bill applies them to chapter 6 provisions as well.

I cannot believe that you would want the President—that you would want a law that restricted the President of the United States. On August 2, we learned that Iraq invaded Kuwait. In this particular case, he fumbled around for a couple of days, but then Margaret Thatcher got a hold of him and he decided to act. Congress went out of session.

We engaged in a massive shipment and supply, logistical movement of weapons and troops to Saudi Arabia, initially as part of Desert Shield, without Congress saying word one about this.

The leadership of both Houses at that particular time kept saying, Don't use force. Sanctions, give sanctions a longer time to play. The notion that before we could have done one thing to deal with the whole question of deterring the Iraqis from moving into Saudi Arabia or doing whatever else, or by our inaction causing the Saudis and the Egyptians to make a separate deal with the Iraqis that would have accepted Iraqi control over Kuwait, that the United States would have to choose between going to our allies through the Security Council and building a massive world operation, combination of forces, first to deter and then to repel that invasion, or get a specific authorization from Congress before they could spend $1 or move one troop or send one plane to Saudi Arabia to begin that action, I cannot believe that you think that—which is what section 508 of this bill requires—that you would think that that is good policy, that Congress should micromanage at that level, that the President's options to respond to an emergency should be so tied.

And I think, since I can't believe you would say that, I would like you to look at 508 and then tell the committee to change that section, because that section has to be changed.

Ms. KIRKPATRICK. I have Section 508. May I——

Chairman GILMAN. Would the gentleman yield a moment?

Mr. BERMAN. I would be happy to yield.

Chairman GILMAN. Before the Ambassador responds, I want to remind the gentleman section 508 is not within the jurisdiction of this committee.

Mr. BERMAN. It is very disappointing that this committee has allowed, if that is the ruling, has allowed that to happen. The fact this committee has lost its jurisdiction over the question of participating in peacekeeping operations and how we participate in them, we have no role in that——

Chairman GILMAN. If the gentleman would further yield. It was the Parliamentarian who made that decision.

Mr. BERMAN. Well, I think that ruling is inconsistent with previous efforts we have had in this committee. I think we lose jurisdiction. But that is not my point. Neither is the missile defense proposal in the jurisdiction of this committee, but the Ambassador spoke to them. The Ambassador has a lot to inform us about.

We will be voting on this bill on the floor. The fact that it presently is not in our jurisdiction, although I find that regrettable, should not keep the Ambassador from speaking to the whole question of whether Congress has to specifically authorize before one U.S. troop can be moved by the President as part of any U.N. authorized operation.

Ms. KIRKPATRICK. All right, Congressman, thank you. I will consider Section 508 very closely later. I have thought about it. I do not think I have missed the point.

I think the President of the United States has ample powers, in our Constitution and in emergency powers, to deal with crisis situations in our constitutional system to move U.S. forces and weapons to anywhere in the world that he judges necessary to meet an emergency situation without consultation—without the consultation or permission—of the Congress.

Now, what I would like to emphasize as strongly as I can this morning, because I think it is the very essence of the problem, is that to distinguish between what is called peacekeeping today and what has always been collective security or warmaking. The Gulf war, Desert Storm, took place not as an operation of peacekeeping. No one suggested it was an operation in peacekeeping.

The Gulf war was an operation with Security Council authorization. It had none of the characteristics of peacekeeping. It certainly did not utilize minimum force. Certainly it did not take place with the consent of the parties, if we applied the current doctrine of peacekeeping.

Mr. BERMAN. It was a Chapter VII peacekeeping operation.

Ms. KIRKPATRICK. No.

Mr. BERMAN. Led by the United States.

Ms. KIRKPATRICK. No, no, I am sorry. Excuse me, Congressman, but no one has suggested it was a Chapter VII peacekeeping operation until this minute, I think. It was a military operation authorized under Chapter VII by the Security Council.

Mr. BERMAN. Yes.

Ms. KIRKPATRICK. That is not in question. I think that is not in question at all. That can continue to happen anywhere.

Mr. BERMAN. Well, I would read the commission——

Chairman GILMAN. Let me remind the gentleman your time is up.

Mr. BERMAN. If I may, I would just read this: Funds available to the Congress may be used for payment of incremental costs to be associated with the participation of elements of the Armed Forces in the United Nations' peacekeeping activities only to the extent Congress has, by law, specifically authorized the use of those funds for such purposes.

Either we cannot spend any money on an unauthorized operation, or U.N. peacekeeping operation, until it is approved and we define it so that when we want to spend it we can, and say this is not a U.N. peacekeeping operation, it is just a U.N. operation—it is just an operation authorized by the U.N. and we get into a semantic game here.

Ms. KIRKPATRICK. No, Congressman, may I please?

Mr. BERMAN. It is authorized by Chapter VII.

Ms. KIRKPATRICK. It was not authorized by the United Nations; it was authorized by the member states of the Security Council under Chapter VII.

Mr. BERMAN. Under Chapter VII.

Ms. KIRKPATRICK. Precisely. But it implied nothing about the command and control by the United Nations. Quite the contrary. The notion of U.N. command and control is a brand new idea.

Mr. BERMAN. I am not raising that.

Ms. KIRKPATRICK. It never has even been suggested, really, until Boutros-Ghali, as Secretary General, in his essay On Agenda for Peace and in his practice has effectively eliminated the distinction between war and peace with "peace enforcement" and "peace building" and "preventive diplomacy" and so forth, and he has called it all "peace operations" and he said it should take place under his command and control. This, in my judgment, is an unworkable idea.

Mr. BERMAN. I don't disagree with the command and control.

Ms. KIRKPATRICK. I am talking about that.

Mr. BERMAN. I am not speaking of the command and control provisions but the Chapter VII provisions that limit the use of U.S. force in any operation, I view, authorized by the U.N. under Chapter VII.

Chairman GILMAN. The gentleman's time has expired.

Ms. KIRKPATRICK. I have not seen that. I have not read that section.

Chairman GILMAN. There is a journal vote and I suggest some members may want to go over and catch it early and then return.

Mr. Bereuter, would you take on the chair while I vote?

Mr. BEREUTER [presiding]. Ambassador, thank you very much for your forthright and very stimulating comments and your opening remarks. I am next on the list to ask questions, and I would focus my time on two questions related to the United Nations' funding arrangements for the United States.

First of all, as you know, we have borne a very large share of the direct peacekeeping assessments, 31.7 percent. We are told now that should come down to 30.4 percent, but the United States has, by the act of the Congress of last year, said we are going to pay no more than 25 percent. This proposed legislation reiterates that resolve.

A nuts and bolts question for you. Perhaps you will want to think about it later and supplement your remarks. How do we avoid the situation whereby, congressional action notwithstanding, we continue to be assessed a larger amount, and then this or future administrations comes to the Congress and says your arrearage is X amount, calculating on the basis of what the United Nations says our assessment is? What can we do to change the rhetoric and, in fact, change the discussion of what in fact we owe?

The second question relates to a similar subject. Right now we have had the testimony by the administration that the calculation of what we contribute in goods and services should not be deducted from our contribution to the United Nations because in fact it would wipe out entirely our assessed contribution. Now, I have thought about this matter for some time and it seems to me that we are, in fact, paying far more than our 31.7 percent because we are contributing so much logistically in so many other ways.

What if we began to change the way the United Nations does its business in this respect and say that items that are indeed expended, whether equipment or food or equipment that is donated and not returned by the providing government, ends up being as contributed services or in-kind contributions?

I bring this up because it seems to me that right now we have the arrangement whereby personnel costs are paid for. So you have Pakistani personnel, you have Bangladesh personnel, and their salaries are calculated. But, in fact, those people should, I assume, be on board as members of their Armed Services in the first place.

I have run into situations in Central America where we have policemen, in effect, serving under U.N. command that are on average making in excess of $100,000 a year. So we have used a sort of mercenary arrangement. If we reduce that and say those are circumstances that come without reimbursement when it comes to personnel costs, it would seem the total cost of peacekeeping could be far less and might be more acceptable to the participating parties like the United States.

Is there some way we can recalculate what indeed could be an in-kind service? That is my second question.

Ms. KIRKPATRICK. Congressman Bereuter, I am very interested in both of those questions. Let me say each of them is a question which I have personally thought a good deal about, in fact, motivated by the same concerns which I think are now moving you, and I think they are very hard questions.

It is in fact, of course, one, that we contribute more to U.N. peacekeeping, almost three times, probably, more than any other country. If you compare, the second country's assessed contribution to peacekeeping is 12.5 percent—that is Japan. We pay about two-and-a-half times that in assessed peacekeeping expenditures with 31.7. That is too much. It should not have been accepted, in my opinion.

I am still not clear about how it came to be either. I have done a lot of inquiring about exactly what happened in the transition of administrations from the Bush administration to the Clinton administration. In the course of that, somehow our assessed contributions, peacekeeping, were altered. It is too high. It is not good for anyone. Even if we simply paid 31.7 percent, even if we only paid two-and-a-half times more than any other country, that would be too much.

We do, in fact, make very large, unknown quantities, in fact, of in-kind contributions to the United Nations. We have done that for a long time, and I found it extremely frustrating when I was Permanent Representative to be unable to extract from the U.S. Government reliable information on the total amount of U.S. in-kind contributions to the United Nations. I was never able to do it.

When I spoke to the new class of incoming Republican Congressmen, I challenged them to take this as one of their jobs in the Congress. Even in the current bill, in the National Security Revitalization Act, we have an estimate of in-kind contributions in peacekeeping. I think, in fact, our in-kind contributions go far beyond peacekeeping. We are, of course, also much the largest contributor to the so-called "independent agencies" in the United Nations, which I support, let me say, like the High Commissioner on Refugees. But what can we do about it? We are talking about a lot of money. We are talking about billions of dollars when we talk about our in-kind contributions, I think.

Mr. BEREUTER. Do you think, Madam Ambassador, we could exempt from reimbursement the use of aircraft and personnel costs? Because they are not really expendable items.

Ms. KIRKPATRICK. See, I believe that we should begin, first, by making, ourselves an honest calculation of what our in-kind expenditures are and how much we are spending, how much we are contributing.

Second, we can, ourselves, make a kind of calculation about our priorities and what we need and mean to spend how much money on. And then we should make a decision based on information instead of all these under the table, unmentioned kinds of large sum contributions that we now make.

We can do what we decide to with regard to contributions, but I think we need to decide on the basis of reliable information and we need to share that information with each other and with the American people and then get credit for it, moreover, if we are going to do it. Yes, we can decide to do that.

But, unfortunately, the problem has become much more serious with this dramatic escalation in so-called "peacekeeping" activities, which are very expensive. And I think the only way that we can move to reduce those expenses is to reduce the number of peacekeeping operations; that is, to reduce the number of operations which are authorized to use force under Chapter VII or any other provisions of the U.N. Charter. And I think, if necessary, we should simply say no. Enough. We cannot support more such operations. And I think we should then not do it.

Mr. BEREUTER. Thank you very much, Ambassador. I am going to declare a 5-minute recess, and I am sure Congressman Gilman, the Chairman, will be back shortly.

Ms. KIRKPATRICK. Fine, thank you, Mr. Bereuter.

[Brief Recess.]

Chairman GILMAN [presiding]. The committee will come to order. Mr. Hyde.

Mr. HYDE. Well, thank you, Mr. Chairman.

Ambassador, Bosnia is still a very troubling situation, and trying to think it through, it seems the Republic of Bosnia-Herzegovina is a sovereign nation, recognized and admitted to the U.N., and under Article 51 they have the right of self-defense, as does every U.N. member. And yet we seem to be applying in the world, the U.N., the West, seems to be applying an embargo to Bosnia that is hampering their defending themselves, the very thing the charter is supposed to guarantee. And there is some question that the embargo is legal in the sense that it was imposed on Yugoslavia, when there was a Yugoslavia, I guess, and never formally imposed on Bosnia-Herzegovina. Probably does not matter, because if it is being observed the results are the same.

There is just something awry, it seems to me, in not permitting and not assisting a member state to defend itself from raw aggression. I do not think anybody disputes the fact that the Serbs are guilty of raw aggression, and to some extent the Croatians as well. We seem to be intimidated by the peacekeeping countries that are there keeping an illusory peace, a fragmentary peace, and I just think our honor and the integrity of the charter, the U.N. Charter, would be reaffirmed if we permitted—encouraged, really—the lift-

ing of the embargo, which I maintain we can do unilaterally insofar as the United States is concerned.

Well, it is the tail wagging the dog again, which is one of the problems with the U.N. operations, and so I wonder if you might comment on that situation.

Ms. KIRKPATRICK. Congressman Hyde, I am really pleased you asked that question. I welcome the opportunity to comment. It is a subject I have thought a good deal about and done some research on.

As I think you know, there is a substantial body of opinion among legal scholars that takes the view that the embargo in fact, was simply overcome by events, superseded by the declaration of independence of Slovenia and Croatia and Bosnia-Herzegovina and Macedonia, and by their admission to the United Nations. From the time that they are admitted to the United Nations as full member states, they are, of course, entitled to the rights of member states, and that includes the rights to self-defense under Article 51.

I think it is suggested sometimes that if we unilaterally decline to be bound by that embargo it would invite other countries to pick and choose among the embargoes for which they would have respect, but I think that is really not a very serious argument, or at least substantively not persuasive, because the other countries on which the embargoes have been imposed, notably Iraq, were themselves guilty of aggression and defeated in a war designed to correct their aggression. The circumstances are so totally different that I think it is really not comparable.

I think Bosnians have the right to defend themselves, and Croatians as well, I may say.

Mr. HYDE. One of the earliest lessons that I ever learned, I think I was 11 years old at the time, was in 1935, when Mussolini marched into Abyssinia. And the world watched with horror and they viewed with alarm, but that was about it. And the notion of collective security was totally illusory.

I thought some of the lessons, some of the lessons from that period and World War II and the rest was that collective security would have some teeth in it and the world would not tolerate aggression from one state against another state. But the world not only tolerates it, it seems to me it furthers it by keeping its thumb on the scale of Bosnia-Herzegovina's defending itself. So I guess the more time goes on the less we learn, but, anyway I appreciate your views. Thank you.

Ms. KIRKPATRICK. Thank you, Congressman.

Chairman GILMAN. Thank you, Madam Ambassador. Thank you, Mr. Hyde. Mr. Andrews.

Mr. ANDREWS. Thank you, Mr. Chairman.

Madam Ambassador, thank you for your attendance and your statement this morning. I want to ask you a question that goes to both the substance and potential operation of the legislation before us.

Let us assume for a moment that sometime this year the administration comes to the Congress and the President submits a certification consistent with Subsection E of Section 402 in which the President proposes to place U.S. troops under the command of an U.N. commander. And let us assume that those troops are to be

placed on the Golan Heights as part of an agreement between Israel and Syria, which calls for the placing of U.N. peacekeeping forces in which the United States would be a substantial participant.

First of all, I would like you to tell me your substantive opinion as to whether such an arrangement is appropriate for the United States; and then, second—well, why don't you answer the first question first.

Ms. KIRKPATRICK. Thank you, Congressman.

I would like to say that while I recognize even more than usual that I may be wrong about what I am about to say, I believe that it is the case that if there were an agreement, an accord, to be concluded between Israel and Syria, which would call for some kind of peacekeeping force to interpose itself between the two countries, as in the Sinai, I do not believe that would take place as an U.N. peacekeeping operation. I believe that would be undertaken under bilateral or simply multilateral auspices but not as a United Nations operation.

Mr. ANDREWS. I assume you are correct. I ask the question for purposes in understanding the way this proposal would work, and ask you supplementally whether you would support such a bilateral relationship.

Ms. KIRKPATRICK. Congressman, I have carefully, even studiously, declined to give a view on that question. Partly because I do not believe in hypothetical commitments, because one never knows exactly what the circumstances are going to be in which a real policy question is finally posed, and partly because I have so long taken the view, as a supporter of the State of Israel, that it was not my business or that of other Americans to try to impose our policy views on Israel but rather to respect the right and the capacity of the State of Israel, as a self-governing democracy, to make its own policy decisions, as we do in the case of France or Britain or Egypt, or in almost any other country.

So I have just thought it was not appropriate to try to form an opinion.

Mr. ANDREWS. I appreciate and respect that. Let me carry the hypothetical a little further.

Ms. KIRKPATRICK. All right.

Mr. ANDREWS. Given your caveat, the President certifies to us that he would place U.S. troops under U.N. command. He certifies to us that he believes such a command is necessary to protect the national security interests of the United States, consistent with the legislation, and we disagree. A majority of the Congress disagrees with that.

Under this legislation, what remedy or recourse do we have?

Ms. KIRKPATRICK. Congressman, are we still speaking about the Golan?

Mr. ANDREWS. Yes, and putting aside your views as to the merits of that argument.

Ms. KIRKPATRICK. I would simply say it will not happen. It will not happen because the Prime Minister of Israel, I do not believe, would submit his country to an operation directed by the U.N. Secretariat. I think that is the position of the State of Israel.

Mr. ANDREWS. If it would and we disagreed, what can we do under this scenario?

Ms. KIRKPATRICK. Then I would have to say I think, it would be a mistake and I would not support it. But not on grounds related to the Golan but on the grounds related to the conduct of just exactly that particular peacekeeping operation.

That would be a real peacekeeping operation, by the way. That is a classical peacekeeping operation, as the Sinai is a classical peacekeeping operation, but it would not be carried out under U.N. auspices. It would just be carried out under multilateral auspices.

Mr. ANDREWS. In conclusion, can I paraphrase or assume what you are saying is if such a peacekeeping role were ever undertaken it should not be under the direction of United Nations on matters of merit and substance?

Ms. KIRKPATRICK. That is right.

Mr. ANDREWS. Thank you very much.

Chairman GILMAN. The gentleman's time has expired. Thank you. Mr. Royce.

Mr. ROYCE. Good morning, Madam Ambassador. It is always great to see you here and especially from this new perspective.

This morning we have the news that a member of Yeltsin's interclique has once again bellowed out warnings about NATO expansion. Sergeyevich Kruglov, of the Presidential Council, said Russia might not yield. Those were his words. He said Russia needs a 1,500 kilometer semi-militarized zone between NATO and the Russian federation.

So my question is what has this administration accomplished by coddling Yeltsin lately, and his increasingly powerful Security Council apparat? One of the few discernible themes of the U.S. administration seems to be coddling Yeltsin for fear something worse will come along, and now it seems something worse has come along, from NATO to Bosnia.

And even on the question of missiles and chemical weapons, we failed to assertively protect our interests and we have failed to project our leadership. So I would ask of you, as one who came into office after a similar period of atrophy in our foreign policy, what can be done to force a focus on these issues?

Ms. KIRKPATRICK. Congressman Royce, I think that is an extremely difficult question. I note that both the Bush administration and the Clinton administration have given very high priority to developing and preserving a constructive, positive relationship with Russia and with the government of Boris Yeltsin, who is Russia's only President, and whom a series of American analysts have believed is fundamentally personally committed to democratic government. I have supported those efforts to develop a constructive relationship.

I recall former President Richard Nixon, in his, I think last public appearance, certainly here in Washington, offering a report on his trip to Russia, began his report by saying we should never forget that Russia is the only country in the world with the capacity to destroy us; that alone makes it very important to us. I think that is true. I think the successful transition to democracy in Russia is enormously important for Europe as well as for the United States.

Now, I do not believe, therefore, though, that it follows that we necessarily accept every preference or even every ill-tempered ultimatum by some associate of the Russian President. I believe that we must formulate our own policies, as soberly and constructively as we can; make as clear as we can what our intentions are; make as clear as we can, in the case of NATO, that our intentions are, as always, defensive; and pursue our policies and ignore those intemperate statements of some intemperate advisers. That is the best I can do.

Mr. ROYCE. Thank you.

Chairman GILMAN. The gentleman's time has expired. Thank you. Mr. Hamilton.

Mr. HAMILTON. Ambassador Kirkpatrick, we welcome you before the committee, and I want to thank the chairman for inviting you and you for accepting the invitation. I apologize for not being here earlier due to other meetings.

I wanted to ask you about United Nations peacekeeping, first of all. We are just getting terribly different assessments of the impact of H.R. 7. As you may know, Ambassador Albright testified, and I quote her now, if H.R. 7 becomes law, "it would become literally impossible for the United Nations to manage or sustain peace operations, thereby leaving us more and more with the stark choice between acting unilaterally or not at all in global emergencies."

And Mr. Blechman, who is going to testify after you, comes to a similar conclusion. He says, in effect, that if H.R. 7 is passed, it is nothing less than an all-out assault against the possibility of an effective U.N. capability for peace operations. I am quoting him.

Now, you have these provisions in the law—not in the law but in the bill—which limit U.S. assessed contributions to U.N. peacekeeping to the amount that exceeds DOD costs. Another provision prevents any DOD funds being used for the participation of any element of the U.S. Armed Forces in U.N. peacekeeping activity unless you have specific congressional authorization.

How do you respond to Ambassador Albright and Mr. Blechman? Do you think H.R. 7 permits an important U.N. peacekeeping role and U.S. participation in it? Or is its purpose to undermine U.N. peacekeeping and make it much more of an U.S. effort?

Ms. KIRKPATRICK. Congressman Hamilton, I am pleased to see you. Let me say, and I referred in my opening remarks that I had the opportunity to discuss a number of issues with this committee, but never before a Republican Chairman, but always impressed by the fairness and good work of the committee, and I would like to repeat that since you are present.

Mr. HAMILTON. Thank you.

Ms. KIRKPATRICK. I really have to disagree with Ambassador Albright, for whom I have a personal affection, I might say, and respect. I believe that it is not true that we would be confronted with the alternative of acting unilaterally or not at all. And I submit as instance number one, an example number one, the Gulf war as a very good case of acting multinationally and with U.S. forces under U.S. command and control.

I would also say not only do I not think that there is a choice between acting unilaterally or not at all, I believe that there may be a choice regarding situations requiring the use of force, which

peacekeeping has always been conceived as not really constituting. In those cases there may be a choice between acting effectively and acting ineffectively and achieving nothing at all.

You know, the Gulf war could not have been conducted under U.N. command and control, and the Iraqis would be in control today of the oil fields of Kuwait and probably Saudi Arabia as well if it had been.

Mr. HAMILTON. I am interested in what your view of U.N. peacekeeping is: How important it is; how supportive we ought to be or ought not to be. We have a lot of peacekeeping operations around the world today.

Ms. KIRKPATRICK. Right.

Mr. HAMILTON. Not just the ones in the headlines. What is your reaction to all of that?

Ms. KIRKPATRICK. Well, there has been all this big process of redefinition, Congressman Hamilton. And that redefinition has gone so far that it is very difficult today to discuss these issues and understand one another. What was called "peacekeeping" before 1992, basically, were those situations which were really quite small-scale instances when parties to a conflict desired to cease fighting, had agreed on an armistice or on a cease-fire, and invited peacekeeping troops into a safe situation. Now, that is one kind of "peacekeeping", and that was what was always conceived as "peacekeeping". That is the "peacekeeping" Dag Hammarskjold developed, and every other successive Secretary General of the U.N. relied on for those circumstances.

Mr. HAMILTON. You are fully supportive of that.

Ms. KIRKPATRICK. I am fully supportive of that, and that is authorized under Chapter VI of the United Nations Charter, that kind of peacekeeping effort. And it leaves a lot of room for interposition of forces where there is a will to peace. The key question here is the will to peace of the parties; it is an invitation to consider the parties for peacekeeping efforts.

There is also plenty of scope for humanitarian operations, emergency humanitarian operations, such as, for example, were carried out in Somalia under the initial UNOSOM mandate. I believe such operations can be successfully and usefully conducted at reasonable cost and with reasonable effectiveness under U.N. auspices.

I really do not believe that the kind of war-making activities that are today carried out at high levels of conflict, carried out under the rubric of peace operations, can be effectively carried out by the United Nations. I just do not think they can do it. I think that has a very great deal to do with the failure in Somalia, and everyone agrees that Somalia was a failure. Our own Ambassador, in closing the Embassy, said Somalia is no more. There is no Somalia.

Mr. HAMILTON. Bosnia and Somalia would be the major examples.

Ms. KIRKPATRICK. Bosnia and Somalia are the prime examples, and they both must be, I think, considered very expensive, quite dangerous experiments which failed.

So I just do not think that it is a very important capacity. I think it is a dangerous capacity, and I do not think that U.S. forces, who are volunteers and professionals and dedicated, should be submitted to the kind of shuffling around the world to do undefined tasks

in dangerous contexts, inadequately armed and inadequately commanded.

Congressman Hamilton, as you know, one of the great strengths of NATO it has always been agreed is the fact it is an integrated command with integrated forces. And I think that that is just one example of why U.N. military operations do so badly, in fact.

Mr. HAMILTON. Thank you.

Chairman GILMAN. Thank you. The gentleman's time has expired. Thank you, Mr. Hamilton. Mr. King.

Mr. KING. Thank you, Mr. Chairman.

Ambassador Kirkpatrick, I also want to commend you on your testimony today. You mentioned in your statement, I believe, that the European Union bears a large part of the responsibilities for the failure of policy in Bosnia.

Would you care to comment regarding specifically British and French policy, the extent to which their policy was affected by the fact that Bosnia is a Muslim nation and having the presence of a Muslim nation in Europe?

Ms. KIRKPATRICK. I have asked myself that question, you know. I think it is impossible to avoid noticing that this is the second time in our century that a religious minority has been the object of something like genocide in the very heart of Europe, in Central Europe, in fact. And I have thought about that and I have asked myself is this happening to Bosnians because they are Muslim. All I can say, finally, is that I hope not.

I tend to think that is not the case. I think it is happening to them because they are not armed, and I think the evidence suggests that that is the reason. Because when the Serbs moved on Slovenia, they were very surprised and dismayed to discover that Slovenia had weapons to defend themselves. They had not thought so. Slovenians used those weapons and the Serbs desisted and turned their attention to Croatia where there was a great deal of devastation, wrought in such historic sites as Dubrovnik, for example, and territories seized and devastation which continued.

You know, a Roman Catholic Croatian abbot told me in that time that the devastation of a part of Croatia was worse than anything he had seen under the Nazis, and he had been there under the Nazi occupation. But the Croatians eventually were able to gather enough arms because they had a happier location, frankly, and more friends and they were able to gather some weapons and to begin to mount a defense and they were largely able to expel the Serbs.

The Serbs desisted and turned their attention then to Bosnia-Herzegovina, which, until this very day, has not succeeded in procuring the weapons that it very clearly deserves, in my opinion, under Article 51 of the U.N. Charter.

Mr. KING. If I could switch gears a little and ask you about NATO. As far as NATO expansion, do you believe that the Baltic nations should become part of NATO, and if so, in what timeframe?

Ms. KIRKPATRICK. The Baltic Nations?

Mr. KING. Baltic, yes.

Ms. KIRKPATRICK. I believe that the first nations to be included in NATO, in a NATO expansion, should be the Visegrad nations, that is Poland, Hungary, the Czech Republic, and the Republic of

Slovakia, because they have fully established a Democratic government and they are contiguous and they have applied for membership, and they have applied for membership in the European Union as well. I just think it is appropriate, really.

Mr. KING. But should the United States make any statement regarding the future inclusion of Estonia, Latvia, Lithuania, Slovenia? Is there any path toward their entrance, that we should be discussing toward entrance at this time?

Ms. KIRKPATRICK. I would prefer to defer the public discussion of that issue until some future time when the expansion of NATO is an established fact.

Mr. KING. Thank you, Madam Ambassador.

Mr. SMITH [presiding]. Thank you, Madam Ambassador.

I would like to focus on two areas of the world. First, Chechnya. A week ago we had a hearing on the Helsinki Commission and we heard from Yelena Bonner and Paul Goble and some other distinguished witnesses. Paul was critical that the administration did not have the proper surveillance, the proper intelligence; that they were caught by surprise, so to speak, and then reacted in precisely the wrong manner in calling this an internal affair, thereby, however unwittingly, conveying the green light that the West, and especially the leader of the West, the United States, would take a hands-off position. Obviously, that position has changed, at least somewhat, and the administration has criticized Yeltsin and company for what they are doing.

If you could give us your analysis of this crisis: What perhaps should have been done; whether or not we should have known about it. Yelena Bonner was also very, very critical of our own President but also of the West in general for its calling this a localized or internal affair.

Where do we go from here? The OSCE, as you know, is trying its best, or so it seems, to mitigate the problem. If you could talk about this crisis.

Ms. KIRKPATRICK. I find that a very difficult question. I, too, heard Yelena Bonner discuss this issue at a board meeting of Freedom House, on which I serve, actually. I think it was the day after she had spoken to the Congress, and I always find her very persuasive.

I feel, frankly, that the issues of separation, of secession, are particularly difficult geopolitical issues, and if they involve a major power, such as Russia, particularly difficult. Russia is a major power which has a number of potential secessionists, and they are particularly difficult.

I would like to say that so far as the United States is concerned, it has always seemed clear to me that in all these issues of borders and secession that we, as a country, have, no legitimate national interest or necessary national interest in where boundaries get drawn among nations, as for example in the former Czechoslovakia, between the Czech Republic and Slovakia, but we have a great deal of interest in how they are drawn. Obviously, we would like them to be drawn peaceably and by nonuse of force. I am not even quite certain how the use of force began, actually, in this instance.

I would like to say that because I think it is a difficult issue, and, like all of the issues concerning Russia, a potentially dangerous, explosive one, I would—because I have not studied the issue, and I did not in the very beginning follow it very closely, and because I am not a public official, and do not have any responsibility—I would like to pass on that question for now.

Mr. SMITH. On another question, with regard to Bosnia and the former Yugoslavia, what is your analysis as to the possibility or probability of another Croat-Serb war? And in about a week or so we will have Mr. Silajdzic before our commission and he, on two previous occasions, made a very persuasive, I thought, case for lifting the arms embargo, and he will obviously have that and other issues that he will raise with us. But what do you prescribe for U.S. policy vis-a-vis the former Yugoslavia?

Ms. KIRKPATRICK. I, too, have talked and listened to Harris Silajdzic several times and know his perspective. I know a good deal more about Bosnia, frankly, and I have followed it much more closely than I have Chechnya from the beginning, that is; and I have studied it in much more depth, and I have quite some time ago reached the conclusion that it was really an outright moral outrage, I believe, to deny the people of Bosnia-Herzegovina the capacity to defend themselves by imposing the arms embargo.

I think it was a terrible mistake and I think we should not have done it and I think we should have rectified it, and I think we should still rectify it, though I do not know what would happen if we did, quite frankly.

I believe this is a case of bald aggression. I do not think it is just an ethnic conflict. We are dealing clearly, I think, with international boundaries and independent states, and I think there will be repercussions for the democracies of the world having forgotten the lessons of Abyssinia and Munich and permitted aggressors to profit.

If anyone can find anything more useful to do than simply repeal the arms embargo and perhaps help in the initial case with procurement of arms, at least, I would support it. You know, I feel very frustrated about the fact that the Security Council's resolutions concerning Bosnia-Herzegovina have never been enforced. And I feel very, very unhappy about the persistent efforts of the U.N. command and control apparatus to impede the enforcement of the resolutions of the U.N. Security Council. That is too bad.

Mr. SMITH. The Chair recognizes Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

Ms. Ambassador, it is a pleasure to be here to hear your testimony. In your opening statement the action of the Bush administration to enter Somalia for humanitarian support received your endorsement, as you mentioned. You further went on to say that we should not have engaged in state creating, or peacemaking or nation building, whatever those terms, whatever one you want to use to call it.

Now, just going back to that period, if you recall, or if I recall the events at the time, the staged withdrawal of U.S. troops made the humanitarian effort that we were there for initially, those efforts became vulnerable to dangers. The NGO's and other Somali nationals trying to assist in the humanitarian effort became in

harm's way by virtue of our downsizing or withdrawal. So perhaps I would like a clarification.

One, are you saying that we should have kept the larger humanitarian force in Somalia for a longer period of time; therefore, completing the mission of humanitarian assistance? Or, secondly, should we have sort of forewarned the American people, the Congress, those who supported the humanitarian effort, that such a mission that we were undertaking may call for new decisions to provide lasting security as the program went forth?

Ms. KIRKPATRICK. Congressman, I believe that the mission that the United States undertook in Somalia, the initial mission, was to provide emergency relief to prevent the starvation, which was imminently threatened, of hundreds of thousands of Somalis, and to deliver food to that end, and we did undertake that massive humanitarian relief effort. I believe that effort was carried out.

And having been completed, I thought it was entirely appropriate for President Bush to decide that the U.S. forces should be withdrawn, knowing that there was no government in Somalia, as there is no government in Somalia today, and knowing that there was a kind of a low-level conflict, as there is today, and feeling that it was not a problem with which we could effectively deal.

I think nation-building, state-building, very particularly, are tasks that have to be done by people for themselves, otherwise their state will not have the legitimacy that is required to be persuasive as I am sure you know. Now it is billions of dollars and some American lives and a lot of other lives later, and after two years there is no government in Somalia and we are withdrawing. Now the whole U.N. operation is withdrawing.

I think they took on a task with goals which they could not achieve and I think that is life. Sometimes that happens. But I think it was important for us to provide the humanitarian relief that prevented the warlords from bringing about the mass starvation of hundreds of thousands of Somalis. I still think that was a worthwhile effort, as I think that is a worthwhile effort, by the way, in Bosnia, all by itself. And I have given the Clinton administration credit for that, and I do all the time.

And I think it was worthwhile in Iraq, with the Shi'ite, who Saddam Hussein was starving, and the Kurds, who he was starving.

Mr. PAYNE. Just on that point. As you recall, Boutros Boutros-Ghali requested disarming the warring factions. There was a feeling that with the overwhelming strength that we went into Somalia off the Persian Gulf victory, that, according to some philosophers, saying that the Somalis almost expected a disarmament, but that was rejected by the administration, I guess based on the humanitarian part.

Do you think that, had disarmament occurred, that we, perhaps, would have had less of the ultimate end that we did find ourselves in?

Ms. KIRKPATRICK. Congressman, I have agreed with President Bush that the effort to disarm the warlords in Somalia would have involved us in a widespread civil war because the forces and the weapons were not highly centralized and that would have been tantamount to have declared war on all the forces in Somalia simulta-

neously, and he was unwilling to do that and become that deeply involved in Somalia's internal political life.

I agreed with him. I still do, if I may say. And I am not reluctant to criticize the Bush administration for aspects of its foreign policy, with which I have disagreed.

Chairman GILMAN. The gentleman's time has expired. Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman, and Madam Ambassador, it is good to see you. I have been an admirer of you for a long time. I agree with nearly everything that you have to say on a number of things in foreign policy.

I wanted to ask you first about the Middle East peace process. For over a year now, I have supported the negotiating process between Israel and the Palestinians because I believe that it would increase security for both sides. But, of course, once again, radical fundamentalist Palestinians have taken to terrorism and murder in an attempt to end the Middle East peace talks.

With the recent bombing in Israel near Netanya the other day and the slaughter of 19 Israelis, it is becoming increasingly clear there may be basic flaws in the peace process. As co-chair of the Peace Accord Monitoring Group in Congress, I firmly believe that if Yasser Arafat and the Palestinian authorities are not willing to live up to their commitments by policing members of their own community, then this process simply will not work.

With more than 100 Israelis dead since the signing of the Declaration of Principles, in your opinion, can negotiations between Israel and the Palestinians succeed and what can be done to improve the process?

Ms. KIRKPATRICK. Congressman, I think that the basic flaw in the peace process, you might say, has been clear from the beginning, and it is that not all of the enemies of Israel are part of the peace process. Some of them have stayed outside it and continued their war against the State of Israel, and their stated intention to destroy the State of Israel. And I think that has been clear. And I think it has been clear to the Government of Israel, too, let me say, who understand them better than I do.

I believe that they decided that the possible opportunities for success were good enough to warrant the risk. Now, that is a big risk and it has always been clear that people ready to commit violence, murder, and mayhem in their region, quite specifically against Jews, are still present.

I believe Israel is a kind of miracle, anyway. The fact that it has managed to survive in the midst of such hostility for as long as it has, and remain a democracy—to become a democracy and remain a democracy—is quite extraordinary. And that is another way of saying that I think it has demonstrated itself to be capable of some extraordinary achievements. So I said to myself about the peace process, maybe this will be another extraordinary achievement.

In any case, I will say what I said about peacekeepers on the Golan. I have insisted that we show to Israel the same kind of respect we show to all of our other democratic allies in the world and friends, the respect I think is due self-governing democracies, and we must respect their decisions and stay out of them. And that is what I have done with regard to the peace process.

Mr. ENGEL. You have heard——

Ms. KIRKPATRICK. Obviously, I hope it works. That goes without saying.

Mr. ENGEL. Yes. You have heard that the President signed an Executive Order last night freezing the assets of many of the terrorist groups in the United States. Frankly, I was surprised that it had not been done before, but I do think it was a good move on the President's part.

Ms. KIRKPATRICK. No, I had not heard it. I must say I too have been surprised it has not been done. I think of the problems we have noted in the Bush administration, we might even conceivably find a case about the Reagan administration—though I must say I cannot think of any that leap to mind, when we fail to do something earlier that would have been better if we had done it earlier. I think this is such a case, and I am glad the President did it and I am sorry he did not do it earlier.

Mr. ENGEL. I know you have spoken a lot about Bosnia today, but I want to take you to a part of the former Yugoslavia. I have been active with Kosova, where there are 2 million ethnic Albanians living under dreadful repression, and you have been outspoken about the repression. I sponsored a Kosova Peace in Democracy Act, which would prevent the lifting of sanctions against Serbia and Belgrade regime until there is substantial improvement in Kosova.

I want your opinion about this. Do you think this is a good way to deal with the situation? I have been pressing the administration not to lift any kind of sanctions at all until the Kosova issue is dealt with.

Ms. KIRKPATRICK. Well, Congressman, I wholly agree with your position. I too have followed the Kosova case. I think it is very painful. There is a kind of incremental ethnic cleansing that has been under way for quite a long time in Kosova, and it is strategically dangerous, but it is humanly intolerable. And I believe that it is unwise and unacceptable, really, to lift sanctions on Serbia as long as its policies against the people of Kosova continue as repressive as they are. I do not think it should have happened, but it happened.

Chairman GILMAN. The gentleman's time has expired.

Madam Ambassador, we thank you for your generous time. I know we have exceeded your time and your patience, but thank you for being here and giving us your expert opinion on so many issues. We wish you well. Thank you.

Ms. KIRKPATRICK. Thank you for inviting me. It is very good to see you.

Chairman GILMAN. The next witness is Dr. Blechman. If he would come forward.

Dr. Blechman has had a distinguished public service career, including a position as the Assistant Director of the U.S. Arms Control and Disarmament Agency. He has also been the author of a long list of books, including "The American Military in the 21st Century and The Politics of National Defense". He presently serves as the chairman of the Henry Stimson Center, a nonprofit research organization in Washington.

We welcome you, Dr. Blechman, and if you wish, you might want to summarize your statement, or whichever you would prefer, or read the entire statement.

STATEMENT OF BARRY BLECHMAN, CHAIRMAN, THE HENRY L. STIMSON CENTER

Mr. BLECHMAN. Thank you, Mr. Chairman. I certainly appreciate the invitation to appear here and to comment on the proposals in the "Revitalized National Security of the United States" resolution (H.R. 7).

Given the lateness of the hour, I think I will just make a few points and request that my statement be included in the record in its entirety.

First, just an aside comment, really, I must say that I was surprised that H.R. 7 concentrates so heavily on peacekeeping. I counted up the pages. More than half of them are devoted to U.N. peacekeeping. In my own view, there are many other problems in the U.S. national security policy that deserve even more attention than peacekeeping, many of which aren't mentioned in the act. I will confine my statement today on the peacekeeping aspects, and would hope that the committee might establish greater balance in its considerations of U.S. national security policy as it goes forward.

U.S. forces—military forces—have served American interests by contributing to peace operations for 48 years. We of course have led most of the U.N. enforcement activities, notably Korea and Kuwait. We provided a variety of airlift and other logistical support to U.N. peace operations. And at times we have participated in them, although these have been the exception rather than the rule.

In recent years we have begun the practice of supporting peace operations with combat operations of our own, but operations that remained outside of the U.N. command; that distinction is an important one to remember.

I think it is important also to note that and to say for the record, because it seems often to be forgotten, that the U.N. does absolutely nothing in the area of security and peace operations that the United States doesn't approve of, both because of our veto and because of our power within the organization.

The U.N. cannot undertake any peace operation of which we don't approve, nor can it place any demands on the United States for participating. Anything that the U.N. has done in the past has been a matter of our own choice, not something inflicted upon us by U.N. bureaucrats.

We have made these choices, and both Democratic and Republican administrations have made them, because we have perceived it in our own interest to participate and to strengthen the U.N.'s capabilities to carry out these operations.

To understand this, we must understand the cost of foreign conflicts that go unresolved. These have direct impact on our own national interest. There are, of course, economic costs: a decline in economic growth, trade declines, consumers lose access to goods, investors lose their investments, American companies and American workers lose opportunities for exports.

When full regions descend into conflict, as seems to be happening in parts of Africa, it threatens strategic commodities which our industry depends upon and threatens much greater economic disruptions.

Conflicts also have economic effects in this country. We have had serious problems in different parts of the country as a result of conflict in Central America, in the 1980's, and, more recently, as a result of problems in Haiti and in Cuba.

In some areas of the world, the continuation of conflicts pose even greater threats. They threaten the deterioration of great power relations. This is certainly the case in the Balkans and in other parts of Europe and Asia. As these regions descend into conflict, they raise the specter of greater, wider conflicts in which the great powers take various sides. We have seen this happen in history and it could happen again.

Conflicts, of course, are what fuels proliferation. As regions remain in conflict, nations in those regions make greater efforts to acquire nuclear, and, certainly, chemical and biological weapons. These latter weapons could pose direct threats to the United States, threats of proportions we don't know today.

Finally, I want to mention the moral dimension to these things. The desire to intervene in conflicts, which has affected both Republican and Democratic administrations, is not something that came out of the blue. It is something that is grown out of constituencies in this country. It reflects values that most people in this country hold dearly, humanitarian values which we have always acted upon.

Ambassador Kirkpatrick said we should say no to peacekeeping operation to a greater extent. Well, actually we started to do that after the incident in Mogadishu in October 1993. We initially said no in Rwanda. We delayed U.N. peacekeeping in Rwanda for many months. We scaled down the scope and restricted our own involvement until the summer. And, of course, it was a terrible tragedy in Rwanda, a tragedy of horrendous proportions.

Some of the people that were killed in Rwanda would probably have been saved had the U.N. been there earlier and had the U.N. with U.S. support been there in a more serious way earlier on. That is a price that this country must bear, as must countries all over the world.

Now, obviously we can't do everything, and we shouldn't be involved in all conflicts. But what I mean to say is that we must consider the cost of not intervening, as well as the obvious costs of the intervention.

The advantage of intervening through the U.N. is that we get to share burden. We may pay one-third the cost right now. That should be reduced, but at least we are not paying three-thirds, as we would if we were intervening unilaterally.

Moreover, when we operate through the U.N. it legitimates interventions in the eyes of many, thereby avoiding conflict with nations or factions which might otherwise oppose the intervention. So there are real advantages of operating through the United Nations.

Mr. Chairman, in my view, the provisions pertaining to the U.N. and U.N. peacekeeping in H.R. 7 constitute nothing less than an all-out assault against the possibility of an effective U.N. capability

for peace operations, and thereby against U.S. national interests in the strengthening of such capabilities.

If we take such a strong stand against the possibility of participating in multinational U.N. commands, even in principle, as is suggested by Title IV, it is hard to imagine why any other major power would participate, thereby dooming the potential to develop more effective U.N. operations.

While I am not a lawyer, Mr. Chairman, I would think that a case could be made that the provisions of Title IV would compel the withdrawal of even U.S. forces from Korea, which is a U.N. command now led by a foreign general, at least in its ground component, unless the President issued the required certification.

I want to make a comment here about some remarks made in Ambassador Kirkpatrick's testimony, which I think continue some myths which have grown up about past U.N. operations in command and control.

We hear frequent talk these days about nameless U.N. commanders, reporting to a Secretary General who is not trained in military activities, directing U.S. forces and putting their lives in jeopardy. I think that for the record it is important to remind ourselves that in Somalia the U.S. forces which suffered the terrible tragedy in October 1993 were operating under U.S. command. They were part of the reaction force that was kept separate from the U.N. command, and operated strictly under American commanders.

In addition, as for the U.N. command itself, it was led by a NATO general, a Turkish general, whom the United States selected. The Secretary General's representative in Somalia, moreover, was an American admiral, Admiral Howe, who had served recently as Brent Scowcroft's deputy on the National Security Council. So these are hardly faceless foreigners directing Americans.

Somalia was a terrible tragedy. The U.N. exercise was a mistake and a disaster. But there is blame to go around. We can't just place the blame at the feet of the United Nations.

Similarly, in Bosnia, we have a situation in which the U.N. forces in Bosnia itself are commanded, until recently, by General Michael Rose, and now by General Rupert Smith. They report to a French general. The forces supporting the operation are NATO forces under an American, I believe it is an admiral, right now.

The Secretary General's representative, the much maligned Mr. Akashi, plays only a minor role. The decisions not to resort to air strikes in response to the aggression at Bihac, as I understand it, were made in Brussels, NATO, not in New York, at the United Nations. And the action of General Rose in restricting U.N. responses to various provocations reflect the desires of his and other NATO governments not to place the troops that they have on the ground at risk.

Since the United States has been unwilling to put troops on the ground in Bosnia, we are hardly in a position to criticize the caution of the U.N. members in my view. But in any event these are not U.N. decisions. These are decisions of military representatives of NATO countries operating in what they see as the best interests of their troops on the ground.

If I can return now to the resolution and, particularly, to Title V concerning financing, which I consider even more harmful. Given

the limited participation of U.S. forces in peace operations, the costs of U.S. support operations dwarfs the cost of our assessments. If we deducted the cost of this support, which we have given to the United Nations throughout its history, from the Congo mission in the 1960's to more recent missions, there simply would be no funds for the U.N. to carry out any but the most trivial exercises. If that were the case, then our own national interests would suffer for all the reasons I have outlined before.

In my opinion, the Congress should be working with the executive branch to outline a constructive approach to U.N. peacekeeping, one which can strengthen those capabilities to solve the obvious problems now plaguing it, rather than to gut the ability of the U.N. to carry out these operations altogether.

I have been privileged, Mr. Chairman, to have participated last year in a group which looked at this issue. The group was cochaired by Senator Kassebaum and the ranking minority member of this committee, Mr. Hamilton. It included executive branch officials and officials with experience at the U.N., such as Ron Spiers and Governor Thornburg. It included retired military officers, other legislators, and private experts.

After considerable debate, the group stated that if a higher level of proficiency in the U.N.'s capabilities for peacekeeping and peace enforcement could be achieved, it would provide a third route for achieving the national interest in a more peaceful world which the United States shares with other states: an additional avenue of choice between complete inaction and action taken unilaterally or through coalitions.

Working, then, within this constructive context, the bipartisan Kassebaum/Hamilton group outlined a three-point plan toward this end. I won't go into this in any detail. I would ask that the group's report, which I have here, be included in the record, appended to my testimony, and I will just mention three aspects.

First, the group said the U.N. has to be reformed. It can't be effective unless it is reformed. Establishing an independent Inspector General, which is highlighted in H.R. 7, is certainly an important step, and progress seems to have been made in that direction. But much more needs to be done, including the appointment of a Deputy Secretary General to run the place. One person can't be both the external man, the external leader, and the internal manager.

The U.N. also needs sizable reductions in the number of assistant and under secretary generals and much greater accountability and specific responsibilities in those offices that remain. And it needs a professional personnel system, something which the member states have not permitted to be developed over the years.

Funding also needs to be reformed. Peacekeeping needs to be put on an integrated budget. In my personal view, it should be part of the U.N.'s regular budget. But in any event, all the peacekeeping missions should come in a single package.

There are many other reforms that should be accomplished in funding, not the least of which, the Kassebaum-Hamilton group, and I believe, that the U.S.'s share needs to be reduced, namely to 25 percent.

I would highlight here also the question of command and control. There is a conflict here, and there is no perfect way of resolving

it. There is a military need for unity of command, and there is a political need for nations to retain control over their own forces. It is just a dilemma. There is no perfect solution to it. There is, though, a workable solution, which has been tried historically, in situations involving U.S. forces. It is the way we would operate in NATO in wartime, and it seems to work.

Under this plan, there could be a U.N. force commander exercising overall strategic direction of a peacekeeping mission. He could be a foreigner, but the control of U.S. units would always be under an American officer. The American would be given an assignment, a mission to be completed as part of the overall strategic direction, but it would be up to the American officer to decide how to do it, what he is required to do, when to do it, and so forth.

Certainly, at no time would the U.N. commander have any control over U.S. personnel, when to fire them, hire them, promote them, and so forth. As I said, this is the same approach taken in NATO. It works there, and it could work in the U.N. context.

Finally, and I know I am going on here, I'd mention the question of the Congress' role. Clearly, the Congress needs to be consulted before the U.S. approves any peacekeeping operation. There is an implicit bill for the operation which is given to the Congress, and certainly the Congress should be consulted before hand.

In my view, the President also would be well advised before committing American forces to peacekeeping to seek a positive vote of the Congress. The issue here is whether that vote should be required by law, as is imagined in H.R. 7.

Our group, the Kassebaum-Hamilton group, was divided on this issue. Many Members, including, I must say, the Republicans, the Republican Members of this group, were very concerned about placing this requirement in law. They thought this would hobble the President as Commander in Chief unnecessarily, and that circumstances might arise in which we would regret having such a requirement in the law.

I think it is a close call, but frankly I think there is good reason to avoid inscribing such a requirement into the law.

I thank you, Mr. Chairman, for this opportunity. As I said, I would like to include my testimony and the Kassebaum/Hamilton report in the record, and I welcome your questions.

[The prepared statement of Mr. Blechman and the report appear in the appendix.]

Chairman GILMAN. Without objection, we will make the full report part of the testimony.

Dr. Blechman, we thank you for your comments. I have looked over the report of the Hamilton-Kassebaum working group, and your participation in it is noted.

I would like to make clear at the outset that H.R. 7 is certainly not intended to prohibit, as I am sure you recognize, or unduly restrict U.N. peacekeeping. We recognize that there are always going to be cases where peacekeeping serves our national interests.

What we want to do is to make peacekeeping more cost effective, just as you recommended in your report; to make certain that all U.S. contributions to the U.S. peacekeeping operations are taken into a proper account; and most importantly, to avoid future trage-

dies like the one in Somalia, where the unthinking use of the peacekeeping instrument clearly didn't serve our own interests.

We don't intend by this measure to prohibit peacekeeping. I am sure you recognize that. There is a great deal of similarity in the Hamilton–Kassebaum reports and recommendations in our own inclusion in H.R. 7 to try to make this a more effective operation.

Dr. Blechman, I note that you said that Title IV of H.R. 7 could compel the withdrawal of our forces from Korea. Title IV, however, makes clear that its restrictions on foreign command and U.S. forces apply only when the senior commander of the operation is a foreign national. Because the senior commander of the U.N. operation is an American general, General Tuck, the restrictions of Title IV would certainly not apply.

Let me ask you, do you disagree with the interpretation of Title IV? More generally, do you think foreign command of U.S. forces in peacekeeping operations is a worthwhile method of carrying out operations?

Mr. BLECHMAN. I think it depends on the situation. And I am concerned about ruling out the possibility in all circumstances.

Certainly, an operation like the enforcement operation in Kuwait, in which the United States provided a very large force and the preponderance of forces used—an operation like that should always come under American command. I am not questioning anything like that.

But in smaller operations, such as the operation in Macedonia, for example, or the operation in Somalia, I don't think that we should rule out the possibility of a foreigner operating in the U.N. context as the overall strategic commander, as long as Americans retain operational control of the American units there.

I am afraid that by ruling out this possibility we make it impossible for other advanced countries to participate. We have to understand that we set precedents for others. We are the leaders.

Why should the British or the French or the Germans or the Japanese or anyone else other than the poorest countries, who see peacekeeping as a kind of cottage industry, why would any serious military power be willing to relinquish command of its forces if the United States is never by law permitted to relinquish command, overall command of its own forces? That is my concern.

Chairman GILMAN. Dr. Blechman, it sounds like you are not too far apart from the question on foreign command as we have raised it. We don't want to rule it out in all cases either. That is why we have put in a Presidential waiver in Title IV.

Dr. Blechman, in your monograph published last year, "Peacekeeping in the U.S. National Interest" by the Stimson Center, you argue that we must make certain that we reform management practices at the U.N. You made the point that the U.N. Inspector General should develop a set of standards for administrative and budgetary procedures, and audits shall be carried out expeditiously.

Can you tell us in your opinion, how well has the new Inspector General done in accomplishing the goals that you set out?

Mr. BLECHMAN. I really can't say what the situation is currently. I think it is terrible that there has been such a delay in the establishment of this office. I understand that there has been some

movement within the U.S. mission, there is now a general view that things are moving in the right direction. But it has certainly come too slowly, and it requires continued oversight by this body and the executive branch to ensure that the U.N. implements these provisions correctly.

Chairman GILMAN. Just one last thought, Mr. Blechman. Your recommendations on peacekeeping and the U.S. national interest, the monograph working group, the Hamilton-Kassebaum, you have talked about the need for management reforms. We mandate that in this bill, H.R. 7.

You talked about, with regard to peacekeeping, to keep it as a priority, and as one of the priorities, protecting our national interest. In the bill, we do the same. In the bill, the command and control provision is fairly strong.

Then you talk about reducing our peacekeeping assessment. In the bill we reduce it from 30 percent to 25 percent.

Essentially what I am saying is, we pretty much follow the recommendations made by Hamilton–Kassebaum. Since there are those similar provisions, can you tell us now whether or not you support H.R. 7?

Mr. BLECHMAN. I don't support the peacekeeping provisions of H.R. 7 in any event, and there are several reasons. One is that the reform provisions don't go nearly far enough. I have concern that the Inspector General became both a symbol and a totem of U.N. reform. And it is important, but far from all that is necessary.

The U.N. is a terrible institution organizationally. It is a mess. It has this culture of inaction. And it needs to be shaken up. On this issue, I am as frustrated with the administration as I am with conservative critics of the United Nations.

The U.N. should be made relevant to our security concerns, and it can be. But it requires an American initiative to really shake up the organization that goes much beyond the I.G. And I would like to see H.R. 7 take on some of those issues.

Chairman GILMAN. How much more extensive would you have the reporting provision? You said you were concerned about the reporting provision. How much more extensive of a report should there be?

Mr. BLECHMAN. I am sorry.

Chairman GILMAN. It was my impression that you said the reporting provisions in the bill leave something to be desired. Is that a correct interpretation of what you are telling us?

Mr. BLECHMAN. I am sorry, I was speaking of the reform provisions, that I would like to see it take on these broader questions.

Chairman GILMAN. What additional reforms would you suggest?

Mr. BLECHMAN. I would like to see a Deputy Secretary General appointed, charged with managing the organization and with coordinating its various agencies.

I would like to see the number of under secretaries and assistant secretaries greatly reduced—there is something like 60 of them now; it is bizarre. They should be greatly reduced, and each one assigned specific responsibilities and held accountable for those responsibilities.

And I would like to see a professional personnel system put in place, so that the good people in the U.N., and there are a lot of

good people in the U.N. system who have worked damn hard, and many who have put their lives on the line, are rewarded, and the corrupt people, and there are many corrupt people, are thrown out of there so they quit giving the organization such a bad name. There is a lot that could be done there.

Chairman GILMAN. I assume you want us to strengthen the management reforms in our bill?

Mr. BLECHMAN. Absolutely.

Finally, the other point where I disagree with H.R. 7 concerns financing. I have to say, the United States spends—well, we spend what, almost $260 billion on the Defense Department and another $20 billion on national security. And our assessment for peacekeeping is somewhere between $1 and $2 billion. And we may spend another $1 to $2 billion on these other activities that support peacekeeping.

In my view, the peacekeeping bill is not very big relative to the other things upon which we spend for national security. If the provisions in H.R. 7 were implemented, there simply would not be enough money for the U.N. to carry out any serious peacekeeping.

I think we spend too much now in terms of our assessed obligation. But I think in terms of the support we give to the U.N., that we have always given to it, we have to be willing to continue that if it is going to be a viable organization.

Chairman GILMAN. Thank you, Dr. Blechman.

My time has run.

Mr. Hamilton.

Mr. HAMILTON. Thank you, Mr. Chairman.

Dr. Blechman, we are pleased to have you here. And I thank you for the quality of your testimony.

I was very pleased to hear the Chairman say a moment ago that his purpose here is not to prohibit U.N. peacekeeping. I know he supported that in the past, and I think there are areas where we have common views.

All of us recognize the frustration our constituents feel and we feel with respect to the United Nations and the very strong desire for reform of that institution, which you have articulated very well and very specifically. And all of us feel we have got to get a little better control or handle on how the U.N. operates. Of course, that is a very critical matter in terms of congressional support.

Now, I just want to bring your testimony out a little bit with regard to H.R. 7. There are two areas in Title V which relate to the United Nations and peacekeeping that I want to get your response specifically to.

Section 501 limits U.S. assessed contributions to U.N. peacekeeping to the amount that exceeds DOD costs, direct and indirect, in support of U.N. peacekeeping activities.

Now, that provision is drafted in such a way that, it appears to me, at least, would prevent the United States from paying its peacekeeping assessment for all operations authorized by the U.N., including, for example, South Korea. So one question is, would you agree with that analysis of it?

And secondly, section 508 has two provisions in it. One prohibits the use of any DOD funds to pay for U.S. assessed or voluntary contributions to U.N. peacekeeping activities. And two, more im-

portantly, I think, it also prevents any DOD funds from being used for the participation of any element of the U.S. Armed Forces in any U.N. peacekeeping activity unless Congress has specifically authorized it.

Now, that provision, I think, precludes the participation of any U.S. military personnel in any peacekeeping operation without specific authorization from the Congress.

You put all this together, and what do you get, in your view? What happens to U.N. peacekeeping when you take these two provisions into consideration?

Mr. BLECHMAN. I think it becomes impossible for the U.N. to carry out any but a very small number of very small missions. The U.N. will not have the resources.

First, the U.S.—only the United States—has the lift capabilities to take care of transporting the U.N. missions, as well as other specialized logistical capabilities which we have always provided as a matter of course.

But secondly, the sums are such that the U.N. would owe the United States money. The sums we spend for this indirect support far exceed our assessment. So we would not be able to pay any of our assessment. Without the U.S. share of the assessment, the U.N. simply couldn't afford peacekeeping.

We are not the only ones that pay more than our assessment. Many countries that contribute troops to peacekeeping have for years footed an extra bill because the U.N. reimbursement never covered their full cost. The Scandinavian countries, Canada, Britain and France, in more recent years, Spain, have all made unstated contributions in kind to the U.N.

They are not nearly as large as the ones we make, but proportionally they might be. I have never looked at those numbers.

Mr. HAMILTON. Let me ask you a broader question. Sometimes some of us get bogged down in the details.

Suppose this were enacted into law. Putting aside the U.S. budgetary implications of it, all the rest of it, and even the U.N. budgetary implications of it. What kind of a signal or message would the enactment of H.R. 7 send to the world community and to the United Nations?

Mr. BLECHMAN. The signal would be clear that the United States does not intend to support the United Nations in its peacekeeping activities in the way that it has throughout the history of the organization.

Now, for whatever reasons, our turn to domestic concerns, the kind of quiet isolationism which is growing up in this country, we are no longer willing to carry out tasks in the interest of world peace and stability in different regions that both Republican and Democratic administrations have been willing to do for almost 50 years now. I think it is a very negative signal.

It would demoralize the international community, the U.N., and it would have an effect on the willingness of other countries, particularly other advanced military powers, to make their own contributions to the U.N. So I think it would be a devastating signal, in my view.

Mr. HAMILTON. Thank you very much.

Chairman GILMAN. The time of the gentleman has expired.

Thank you, Mr. Hamilton.

Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman.

Dr. Blechman, let me compliment you on your excellent testimony. Everything you said, I couldn't agree with you more.

In my old days I was a vocal opponent of the Vietnam war. But I wasn't opposed to Vietnam war because I didn't think the United States didn't have a role to play in the world. It was because I thought it was unwinnable and to a large degree I thought it was immoral.

But I resisted the feeling amongst some quarters in this country to use the Vietnam war as an excuse for the United States never to get involved in the world again. And I thought that the Persian Gulf war, when that war was carried to its conclusion—and I was one of the Democrats that broke with my party and supported President Bush in the Persian Gulf war, and might I say, by the way, the Persian Gulf war was a perfect example of President Bush using the United Nations to further American interests clearly shows that the United Nations has a role to play. As Ambassador Albright said to us last week in her testimony, she thought we ought to use the United Nations, there are many times we could use the United Nations to advance our own national interests.

But the point I wanted to make with Vietnam is that I fear now some people in this Congress want to use Somalia and the tragedy that happened in Mogadishu to our American soldiers as an excuse for the United States never to become involved or never to intervene, never to do anything in the world. I think that is very, very dangerous indeed.

It seems to me that my frustrations with the United Nations are the same as yours in terms of getting its economic house in order and doing some other things. But from an American policy point of view, I had much more frustration with the United Nations during the cold war when it seemed that the vast majority of nations tilted away from us, tilted toward the Soviet Union and their allies, when Israel was roundly condemned each and every time regardless of what happened, and as Abba Eban would say, there could be a resolution proposed by the Arab nations that the earth is flat, and it would automatically get 80 votes.

This to me is the wrong time, at the end of the cold war, to withdraw and have frustration with the U.N. That is why I think that the Contract With America's proposal involving the U.N. is just a recipe for disaster.

I would like you to comment on some of the things I have said.

Mr. BLECHMAN. Thank you.

I think it is a very astute comment. And it is certainly what has happened. Much of what we see is a reaction to that terrible tragedy in Mogadishu.

We have focused—all the discussion today has focused on the U.N.'s failures. And I admit the U.N. has failed in Somalia and Bosnia. I don't know why the U.N. is in Bosnia. This is a conflict in the heart of Europe. Why people from all over the globe should be trying to resolve that conflict, instead of it being handled by European and North American institutions, NATO and the European Union, is really something that historians will have to look at.

But the U.N. has had plenty of successes through peacekeeping, going back to Sinai in 1956, Congo, New Guinea, Angola, Afghanistan. More recently, in terms of the withdrawals, overseeing the withdrawals, overseeing the peace settlements and disarmaments in Central America, recently, Namibia, Mozambique recently. Cambodia is not perfect but the U.N. played a very constructive role and things are holding on positively there.

I think your best point, though, is the point that the situation is fundamentally changed now. The cold war is over. The U.N. could not function for most of its history. We didn't take it seriously. We let it develop all these bad habits.

Now we can change it. Now we can create an institution that can work. It won't bring world peace, but it can work in particular kinds of situations to promote greater stability, to resolve conflicts, and thereby to serve American interests. But it takes some leadership on our part. It takes constructive initiatives to reform the organization. And it takes leadership to give it the resources necessary to do the job.

I hope that this committee and the Congress can work with the administration to make that happen.

Mr. ENGEL. You know, this nonsense, if I might just for another minute, Mr. Chairman, about no U.S. troops under U.N. command, people conveniently forget that Mogadishu, it was under U.S. command. So that, as far as I am concerned, is not really the core issue.

The issue is to make sure when we deploy our troops; they are deployed well; there are adequate resources to back them up.

I really fear in some quarters that this neo-isolationism that is kind of sweeping parts of the Congress is very dangerous, because once you start cutting off aid to the U.N. and once you start restricting the United States' actions in the world, the next logical step is to start cutting back on foreign aid, in fact ending it altogether, and that to me is the worst possible thing we can do as we are approach the 21st century.

I thank you for your testimony.

Chairman GILMAN. The time of the gentleman has expired.

We thank you, Dr. Blechman, for your generous time and expertise. Thank you.

Mr. BLECHMAN. Thank you.

Chairman GILMAN. The committee stands adjourned.

[Whereupon, at 12:50 p.m., the committee was adjourned to reconvene at 9:30 a.m. on Fri. Jan. 27, 1995.]

H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

FRIDAY, JANUARY 27, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The committee met, pursuant to call, at 9:30 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (chairman of the committee) presiding.

Chairman GILMAN. The committee will come to order.

I ask our colleagues to please take their seats so we can get under way. We have a lot of business today, and there is a limited time.

The Committee on International Relations meets today in open session for the purpose of marking up those provisions of H.R. 7, the National Security Revitalization Act, which have been referred to our committee. The Chair would like to outline the procedures that we intend to follow, and after these few preliminary remarks, the Chair will recognize our Ranking Member, Mr. Hamilton.

At this point we will begin our markup under the 5-minute rule, and Members will have an opportunity to address the legislation as a whole during the amending process. I would request that Members intending to offer amendments provide sufficient copies to the staff so that they can be distributed at the appropriate time.

Minority members may provide their copies to the Minority staff; but if they would be so kind to provide some copies for our side as well we would appreciate it. We have not received any amendments with the exception of Mr. Hamilton's amendment. We would be in a better position to accept or suggest modifications that could be made if we have the amendments prior to their introduction.

As we begin to read the bill for amendment, I intend to ask unanimous consent to lay before the committee a Chairman's amendment in the nature of a substitute consisting of the text of the original bill with several amendments and to ask that the amendments be considered as original text for the purpose of amendment.

A copy of that measure was provided to the Ranking Minority Member yesterday. This procedure has been discussed with and cleared by the Ranking Member, Mr. Hamilton. I believe it is protective of the rights of all of our Members.

It is my earnest hope that we can complete the markup today. We intend to work through until 3:00. Some of our Members need to catch planes back to their home districts. If we do not complete

our work today, we will carry it over until Monday afternoon, commencing at 2 p.m.

All Members have before them the Chairman's text—an amendment in the nature of a substitute. Let me briefly summarize the key changes to H.R. 7 as introduced and referred to the committee. The changes include those to Title IV regarding command and control of our U.S. forces under foreign nationals, to Section 501 regarding the credit against assessments for United States expenditures in support of U.N. peacekeeping operations, and to Title VI regarding NATO expansion.

Mr. Hamilton is recognized for general remarks he may have with regard to the measure.

Mr. HAMILTON. Mr. Chairman, let me first of all ask unanimous consent that the following be inserted in the record of the markup. First, a January 27th letter signed by Ms. Wendy Sherman, Assistant Secretary of State for Legislative Affairs, stating the views of Secretary of State Christopher on H.R. 7; secondly, a statement on H.R. 7 by Ambassador Madeleine Albright prepared for the meeting held by the committee on January 20th; and third, a January 25th letter from John Whitehead, President of the United Nations Association of the USA expressing his concerns about H.R. 7.

Chairman GILMAN. Without objection. I think that the only copy that we do not have is Mr. Whitehead's letter.

Mr. HAMILTON. I think we have a copy available for you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Hamilton.

[The information appears in the appendix.]

Mr. HAMILTON. Mr. Chairman, we begin consideration of H.R. 7. It is an important bill. It will have very significant impact on foreign policy in the United States, and in my view it indicates fundamental change in the way we conduct our foreign policy.

We were given a copy of the legislation yesterday afternoon, and we have worked diligently to understand it. We want to proceed carefully on the bill, and we will have some questions to ask as we proceed in our deliberations, and of course we will have some amendments as well.

Most of the witnesses, if not all, that have appeared before the committee have raised serious concerns about this bill, and they have warned of congressional micromanagement. I note the testimony of Secretary of State Christopher, Ambassador Albright, and former Secretary of State Baker.

I do want to take a moment to express some of my concerns about the bill. I think if enacted in its present form, the National Security Revitalization Act, despite its name, would weaken our national security, not strengthen it. My chief concern is in the area of U.N. peacekeeping. I think it would have the effect of ending U.S. participation in U.S. peacekeeping.

H.R. 7, as introduced, would require the United States to offset its annual peacekeeping assessment by all costs incurred by the Defense Department in such nonpeacekeeping activities as U.S. operations in Haiti, participation in no-fly zones in Iraq and Bosnia, or our humanitarian effort in Rwanda. The cost of these operations exceeds the $1 billion annual U.S. assessment.

The Chairman's latest draft contains marginal improvements, but the intent appears to be unchanged, and the exact impact is quite unclear. We simply do not know what DOD costs would be offsetting our peacekeeping assessment. U.S. contributions to U.N. peacekeeping could cease, the U.N. could even end up owing us money. We simply don't know the impact of the latest Republican substitute amendment to H.R. 7.

H.R. 7 would micromanage U.S. peacekeeping and infringe on the President's authority as Commander in Chief. It would require an Act of Congress before the President could send one military observer to join a U.N. force, yet Congress has never authorized a U.N. peacekeeping effort in advance. It would obstruct the President's ability to set command and control rules for U.S. troops.

It would restrict intelligence sharing with the U.N., even though intelligence sharing has been a useful tool of our policy in several areas. It would impose burdensome reporting requirements before the U.S. could participate or contribute to U.N. peacekeeping operations.

I think we face two rather stark choices. One is to cripple the United Nations as does the substitute to H.R. 7 or to strengthen the United Nations and make it a useful tool of American foreign policy. I certainly will not argue that the U.N. is perfect. Should we rely on it as a primary tool of American foreign policy? Of course not. But it is not in the national interest to hamstring the United Nations or to make it the scapegoat for American foreign policy.

I think the American people have made it clear that they do not want to be the world's policemen. Effective U.N. peacekeeping helps relieve the U.S. of this burden. It is an important additional tool in the conduct of foreign policy. It allows us to remain engaged in the world without having to respond to every international brushfire.

I also am concerned about some of the provisions of H.R. 7 that propose early expansion of NATO. The bill calls on the U.S. to push for NATO membership for Poland, Hungary, the Czech Republic and Slovakia by January 1999. It mandates an aid program to facilitate the transition of these countries to NATO membership, and I think it presents serious problems.

First, expanding NATO now would create an alarming gap between U.S. resources and U.S. commitments in Europe. U.S. force levels in Europe are declining, from 320,000 five years ago to just over 100,000 today. Military spending by every country in Central and Eastern Europe is declining. U.S. foreign aid is likely to be cut, yet H.R. 7 would have us take on vast security commitments and mandate a new foreign aid program to boot, all at a time when there is no external security threat facing Central and Eastern Europe.

Second, sponsors of H.R. 7 assert that NATO membership will enhance the peace and security of new members. The question is how would expanding NATO serve U.S. national interests? Is it in the U.S. interest to provide a nuclear guarantee and a pledge to go to war to defend Slovakia? Are the American people ready to send their sons and daughters to defend Poland, Hungary, the Czech Republic and Slovakia? I am not sure of that.

I am sure we need to debate the issue of NATO expansion from two perspectives, how it serves our interests, and are we prepared to accept the burdens it will impose.

Finally, the bill is little more than gratuitous advice. The House of Representatives cannot dictate the terms of NATO expansion. That requires an amendment of the North Atlantic Treaty, the consent of every NATO government, and ratification by every NATO government, including a two-thirds vote in the United States Senate.

And perhaps most serious of all, premature moves to expand NATO could draw dangerous new lines of division in Europe and force Europe once again into two camps, those in NATO and those outside it. So we can all see the dangers of such a move, and I seriously wonder how it would affect U.S. security interests.

If H.R. 7 is enacted, I see trouble ahead. Crippling the United Nations will put pressure on the United States to intervene unilaterally around the world. Rushing to expand NATO will add to our security obligations. I don't think greatly extending our commitments and at the same time crippling the United Nations is the way to revitalize U.S. national security.

Thank you, Mr. Chairman.

Chairman GILMAN. I thank the gentleman for his remarks.

We will now proceed to H.R. 7, the National Security Revitalization Act. The chief of staff will report the title of the bill.

Mr. GARON. H.R. 7, a bill to revitalize the national security of the United States.

Chairman GILMAN. Without objection, the first reading is dispensed with. Without objection, the chairman's text which you have before you, an amendment in the nature of a substitute, will be considered as original text for the purpose of amendment, and each section will be considered as having been read and open to amendment when designated by the chief of staff.

If there is no objection, it is so ordered.

Chairman GILMAN. The chief of staff will now designate the first section of the amendment in the nature of a substitute.

Mr. GARON. Section 1. Short Title; Table of Contents.

Chairman GILMAN. Are there any amendments to section 1? If not, the chief of staff will designate the next section within the jurisdiction of the committee.

Mr. GARON. Section 101. Findings.

Chairman GILMAN. Are there any amendments to this section? If not, the chief of staff will report the next section within the jurisdiction of the committee.

Mr. GARON. Section 102. Policy.

Chairman GILMAN. Are there any amendments to section 102? If not, the chief of staff will report the next section within the jurisdiction of the committee.

Mr. GARON. Section 103. Purpose.

Chairman GILMAN. Are there any amendments to section 103? If not, the——

Mr. HASTINGS. Mr. Chairman, I have some questions with reference to Title I, and I move to strike the last word.

Chairman GILMAN. Mr. Hastings.

Mr. HASTINGS. There have been a number of changes between——

Chairman GILMAN. Are you addressing section 101?

Mr. HASTINGS. Title I?

Chairman GILMAN. Which section are you addressing?

Mr. HASTINGS. Title I, section 101. I move to strike the last word.

Chairman GILMAN. We are now on section 103. If you want to strike the last word.

Mr. HASTINGS. That is what I did, Mr. Chairman. I move to strike the last word.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. HASTINGS. Thank you very much, Mr. Chairman.

There have been a number of changes between the October contract and the two January contracts, and I would like to address the title of the bill. The title of the October contract was the National Security Restoration Act. The title of the January contracts are the National Security Revitalization Act.

Was our national security restored between October and January and now only needs to be revitalized or is there some other reason for the change in the title?

Chairman GILMAN. The title has been utilized in this amendment in order to generally incorporate all of the thinking within the proposed amendment and within the initial law. It was worked out in consultation with the National Security Council.

Mr. HASTINGS. Mr. Chairman, there seems to be a number of inaccuracies in the findings in this title. Subsection (4) of section 101 states that most U.S. military missions abroad involve United Nations peacekeeping and humanitarian efforts and cites the figure of 70,000 U.S. personnel serving in such missions overseas.

Aren't there more than 100,000 U.S. troops in Europe as part of NATO?

Chairman GILMAN. Currently there are more than 100,000.

Mr. HASTINGS. Well, then, doesn't that make the statement in your bill inaccurate?

Chairman GILMAN. Which line are you referring to?

Mr. HASTINGS. Referring, Mr. Chairman, to the section where you cite the figure of 70,000 U.S. personnel.

Chairman GILMAN. If you will note the language states it is over 70,000.

Mr. HASTINGS. Well, do you intend to change that inaccuracy at some point?

Chairman GILMAN. What would the gentleman suggest?

Mr. HASTINGS. Mr. Chairman, if there are more than 100,000 troops, then it would seem to me that it would be reflective and certainly would be in the act, and it is not.

Chairman GILMAN. Are you suggesting some amended language?

Mr. HASTINGS. Well——

Mr. GEJDENSON. Will the gentleman from Florida yield?

Mr. HASTINGS. Sure.

Mr. GEJDENSON. I think what we are seeing already at the very beginning here is the problem with trying to rush through what is a fundamental change in American foreign policy, and you know, if you look at what these provisions do, we end up taking the President of the United States and shackling him if he wants to put one

American soldier in a U.N. peacekeeping mission, but on the other hand, we take 100,000 American military personnel in Europe, and we are instructing the President to come to agreements with five new countries to be added or four new countries to be added to NATO where 100,000 troops may have to risk their lives on a treaty where America is now guaranteeing every bit of their sovereignty and their rights. And it seems to me something as important as this ought to have some time to sit out in the sun to see if it can take some scrutiny.

Now, there is some good intentions in the chairman's additional language that he has added since the draft we had a day ago, but, you know, there is that old saying, good intentions pave the road to hell for a lot of people. This is a very dangerous piece of legislation to American national security.

Now, it may be good politics to attack the U.N. and it may be good politics to try to shackle the President of the United States at the moment, but it is bad for American national security, it is bad for our ability to prevent an explosion of incidents around the world and to have this piece of legislation come today, frankly, with not even 24 hours since we have gotten the draft, I think is just unacceptable.

I think we ought to take some time, and I know the Speaker wants each committee to rush through its piece of legislation, but even the Majority here hasn't had time enough to make sure to read this bill to make sure that it is accurate.

The policy's a disaster and we ought to have some time to let that air unless the Majority is afraid to give this bill some time for the American people to see it. It seems to me you may want to rush through this so even your own freshmen can't figure out how to read the documents that are in front of them because, if they think about it, it seems to me they are not going to be able to vote for most of what is in this.

Chairman GILMAN. The gentleman's time has expired.

Mr. GOODLING. Mr. Chairman.

Mrs. MEYERS. Mr. Chairman.

Chairman GILMAN. Mr. Goodling.

Mr. GOODLING. Well, Mr. Chairman, I would just like to remind everybody the bill has been before them since the beginning of January, "over 70,000" has been there ever since that time. "Over 70,000" can mean any number, so I don't see what the issue is, whether it is 70,000, over 70,000 or over 100,000.

Mr. HASTINGS. Reclaiming my time.

Mr. GOODLING. It is over. So therefore I don't see any reason for the argument at all.

Chairman GILMAN. Mrs. Meyers.

Mrs. MEYERS. Mr. Chairman, I think this discussion about the numbers is confusing. I know that the gentleman when he first raised his point talked about troops under NATO, and that would have to do with our national security. The number here refers to 70,000 U.S. personnel were serving in such regions as Iraq, Bosnia, Macedonia, and the Adriatic Sea, Rwanda and the Caribbean Sea, and I think he is comparing apples and oranges.

Mr. HASTINGS. Mr. Chairman.

Chairman GILMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, this piece of legislation does reflect a major change in foreign policy, but I will have you know that the last election reflected a major change by the American people in who they entrusted to make foreign policy.

This piece of legislation reflects ideas that have been on the table of discussion for a long time. This is not something that has been dreamed up. This is part of our Contract With America. It was discussed during the election, it contains ideas that have been discussed for a long time, it is just the Majority party who controlled this body up until this moment did not agree with these positions, and we were not given a chance to put these through.

Mr. HASTINGS. Would the gentleman yield?

Mr. ROHRABACHER. This is not something that is precipitous, these are not ideas that have not been thought out and debated. When we are talking about the fact that the people of this country no longer want——

Mr. GEJDENSON. Will the gentleman yield?

Mr. ROHRABACHER. Not right now. The people of this country no longer want to pay an inordinate share of their cost for United Nations, we no longer want to bear the burden to more than everyone else in the world of keeping stability in the world.

The fact is, the United States is now rethinking its responsibilities in the world, rethinking our position, our relationship with the United Nations, and we don't want to be the patsy of the world anymore. That was the message of the last election. This is taking us a step in the direction that the people voted for.

Mr. GEJDENSON. Will the gentleman yield now?

Mr. ROHRABACHER. Yes, I will.

Mr. GEJDENSON. I would say one thing, this is the third version of this particular piece of legislation in a very short period of time. I am not sure the American people voted to take the President of the United States and preclude him from putting one American soldier in a peacekeeping mission whether it is on the Golan Heights or someplace else in the world, and I don't believe the American people voted to put 100,000 American troops at risk——

Mr. ROHRABACHER. Reclaiming my time.

Mr. GEJDENSON [continuing]. For countries that are yet barely democratic.

Chairman GILMAN. The gentleman is reclaiming his time.

Mr. ROHRABACHER. Reclaiming my time.

That may be your interpretation, but that is why your party lost the last election. The fact is the American people had a choice, we were articulate in the fact that we want Americans under American command, we were articulate in terms of what we want to do, it was in the Contract With America, we signed it, and that is what this bill is all about.

Mr. GEJDENSON. Will the gentleman yield?

Mr. HASTINGS. Will the gentleman yield?

Mr. ROHRABACHER. No, until I finish I will not.

The fact is you can disagree with details in this legislation, and we are here to discuss those specific details, but we are talking about the thrust of what this legislation is all about, it is what the election was all about, and that is why we are pushing it forward.

Mr. HASTINGS. Would the gentleman now yield?

Mr. ROTH. Would the gentleman yield?

Mr. ROHRABACHER. I yield to my friend, Toby Roth.

Mr. ROTH. I thank the gentleman from California for yielding. He makes a very good point.

I would like to address the Chair.

Mr. Chairman, we don't want to get bogged down in extraneous debate here which we are, I believe. We want to be done by 3:00. I think the American people have spoken, as my friend from California has said, and if I could request that we move on from here.

Mr. BERMAN. Mr. Chairman.

Chairman GILMAN. Mr. Berman.

Mr. BERMAN. Mr. Hastings wanted to make a few more points. I move to strike the last word.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. BERMAN. I would like to yield my time to Mr. Hastings.

Chairman GILMAN. I want to plead to both of our—to all of our colleagues on both sides of the aisle that we are trying to conclude this measure by 3:00. Many members have commitments to travel, and then if need be, we will come back on Monday, but with your cooperation, we could be able to finish this measure by 3:00.

Mr. HASTINGS. I thank the chairman. I certainly want to be out by 3:00. I live in Super Bowl City, and so I certainly want to be there, but I would like to respond to my friend from California regarding the Contract. This particular bill as offered now as the chairman's mark is not the Contract, and you keep referring to it as the Contract. This is not the Contract, and that is why I am raising the questions.

Subsection (5) in H.R. 7, Mr. Chairman, stated that the U.S. assessment for United Nations peacekeeping in 1994 totaled almost $1.5 billion. I notice in your new substitute, the third version of the Contract we have seen since October, that you have now changed that figure from $1.5 billion to $1 billion. Was the $1.5 billion figure just plain wrong? And I ask the Chair.

Chairman GILMAN. I am going to refer to counsel with regard to that figure.

Mr. RADEMAKER. I am sorry, could you repeat the question?

Mr. HASTINGS. Yes. The $1.5 billion figure, that has now changed to $1 billion. I am curious to know, in the original contract, was the $1.5 billion figure wrong?

Mr. RADEMAKER. As you know, the original contract was issued before the end of the fiscal year, and it contained a projection of what the assessments would be. In going back and recalculating and getting the actual data for the fiscal year, we ascertained that $1 billion was a more accurate figure.

Mr. HASTINGS. I thank counsel for the response. The next sentence in subsection (5) states that the United States is assessed 31.7 percent of the annual United Nations costs for peacekeeping and other U.S. missions. That statement is also factually wrong, and the United States is assessed at 31.7 percent for United Nations peacekeeping missions, it is not assessed the amount as set forth for other U.N. missions, whatever that means.

Do you intend to change that inaccuracy at some point?

Chairman GILMAN. Will counsel identify himself for purposes of the record.

Mr. RADEMAKER. I am Steve Rademaker, chief counsel of the committee.

Chairman GILMAN. Would you respond?

Mr. RADEMAKER. Would you refer me again to the page and line number in question.

Mr. HASTINGS. Yes. Referring to the next subsection in sentence 5 where it states that the United States is assessed 31.7 of annual U.N. costs for peacekeeping.

Mr. RADEMAKER. This is line 6 of page 4?

Mr. HASTINGS. Right.

Mr. RADEMAKER. I am sorry, you are suggesting that statement is incorrect?

Mr. HASTINGS. That is correct. It is not——

Mr. RADEMAKER. We have administration representatives here, perhaps you could ask them.

Mr. HASTINGS. At the appropriate time, but just in the interests of time, I gather that you are not going to change that particular inaccuracy.

Chairman GILMAN. If the gentleman is questioning the amount, I am going to ask a representative of the State Department to clarify the figure.

Would you please identify yourself.

Ms. SHERMAN. Wendy Sherman, Assistant Secretary for Legislative Affairs at the State Department.

Congressman Hastings is indeed correct, only for peacekeeping missions is the assessment 31.7, for all other missions it is 25 percent. And in addition, as this committee is well aware of, a law has been passed and as of October 1, even though our assessment is at 31.7 percent, we will only be allowed to pay 25 percent toward peacekeeping missions.

Mr. GOODLING. Would the gentlelady—if I understood you correctly, you said that 31.7 is only for peacekeeping?

Mr. BROWN. Correct.

Mr. GOODLING. That is what this is talking about.

Mr. BROWN. It says "and for other missions."

Mr. GOODLING. For peacekeeping missions, the United States is assessed 31.7 percent, for peacekeeping.

Ms. SHERMAN. And then it says "and other United Nations missions," and it is that phrase that I believe Congressman Hastings is referring to. It is not correct that we spend 31.7 percent for other United Nations missions. Any other United Nations missions for which we pay cost is at a rate of 25 percent.

Mr. ROHRABACHER. Mr. Chairman, may I ask a question?

Chairman GILMAN. The gentleman's time has expired.

Mr. Rohrabacher.

Mr. ROHRABACHER. I would ask our expert witness, are you trying to tell us that there are no other United Nations missions that we are assessed at more than 25 percent other than peacekeeping missions? You can tell us right now that there are no other missions that the United States is assessed at 31 percent or more than 25 percent except for peacekeeping missions? That is what your testimony is?

Ms. SHERMAN. That is correct.

Mr. ROHRABACHER. All right.

Ms. SHERMAN. And——

Mr. ROHRABACHER. What about peace-making missions?

Ms. SHERMAN. I think now you are going to get into some of the nomenclature.

Mr. ROHRABACHER. You are the one bringing up nomenclature here. You just gave us a statement, and now I am asking you what about peace-making missions.

Ms. SHERMAN. That is at the peacekeeping rate of 31.7 percent.

Mr. ROHRABACHER. Now, wait a minute, now you are changing your tune here, aren't you? If you are going to nit-pick us, we are going to nit-pick you, just to make that clear right now.

Mr. GEJDENSON. Will the gentleman yield for a second?

This isn't just a casual discussion we are having here, what we are doing here is drafting legislation.

Mr. ROHRABACHER. She is talking about nomenclature or whatever it is on our side, we will talk about it on your side, but we are not going to be nit-picking to the point we can't get our business done.

Mr. GEJDENSON. Will the gentleman yield for a second?

The gentlelady is not drafting legislation. The representative of the State Department is making a statement. Drafting legislation is a much different situation.

Mr. ROHRABACHER. The lady from the State Department is backing you up in your nit-picking attempt to try to prevent us from getting our work done.

Ms. SHERMAN. Congressman, I will be glad to be very clear and very accurate. Correct nomenclature is peacekeeping. At the United Nations, peacekeeping includes two kinds of activities, peacekeeping as you all know it, and peace enforcement, but the nomenclature at the U.N. is peacekeeping, and that is at 31.7 percent.

There is no nomenclature used at the United Nations called peace-making. That is something that has been used rhetorically here in the U.S. Congress, but there is no such nomenclature at the U.N. or in the assessments that are made to us.

Mr. ROHRABACHER. This bill has been in your possession for a week. Why hasn't this language——

Ms. SHERMAN. We received this bill yesterday.

Mr. ROHRABACHER. This language was in the bill——

Ms. SHERMAN. We did not know until yesterday, Congressman, with all due respect, what the mark would be.

Mr. BEREUTER. Will the gentleman yield to me?

Mr. ROHRABACHER. I will yield.

Mr. BEREUTER. I thank the gentleman for yielding.

The phrase "and other United Nations missions" is not relevant to the major point that we are attempting to make and that is the 31.7 percent assessment. The gentleman from Florida or any other members, we are involved in a legislative process here. We are at the beginning of a process. The gentleman can offer an amendment to delete elements of the original section here if he wishes. But I think, let's get on with the process. I ask unanimous consent that the phrase "and other United Nations missions" be deleted.

Mr. WYNN. Will the gentleman yield?

Chairman GILMAN. There is a request now. Would you repeat the request.

Mr. BEREUTER. I ask that the phrase beginning on page 7, line 7—page 4 line 7 "and other United Nations missions" be deleted.

Chairman GILMAN. There is a motion.

Mr. BEREUTER. I ask unanimous consent.

Mr. WYNN. Mr. Chairman, reserving the right to object.

Chairman GILMAN. There is an objection?

Mr. WYNN. Mr. Chairman, I have not objected, but I would like to pursue a quick question, and that is, it seems to me the representative from the State Department said that in fact, based on a law that we passed last year, the assessment, notwithstanding the U.N. direction, our law restricts us to 25 percent, and so the accurate statement would actually be that our assessment is 25 percent based on the limitations.

Mr. GOODLING. Not for peacekeeping, it is 31.7.

Mr. WYNN. Did we not pass a law last year saying that we would not contribute more than 25 percent?

Mr. BEREUTER. If the gentleman would yield on his reservation, I would tell the gentleman, this is addressing the fact today, and the fact today is that peacekeeping is allocated to the United States 31.7 percent.

Now, the State Department for the next fiscal year has given us new numbers, but 31.7 percent for peacekeeping is accurate at this moment, and that is what I would say to the gentleman.

Mr. WYNN. My information is that that will change in September. Is that correct?

Mr. BEREUTER. It will change September 30, according to the allocation given to us of the United Nations which of course we do not accept at this point.

Mr. WYNN. So we will in fact be down to 25 percent——

Mr. BEREUTER. No, the United Nations would move it down to approximately 30.4 percent for peacekeeping activities.

Mr. WYNN. But we still would not be able to pay more than 25 percent?

Mr. BEREUTER. Well, that remains to be seen.

Mr. WYNN. Well, it seems to me that is our law at this point.

Mr. BEREUTER. That is our law.

Mr. WYNN. Effective September. It would appear to me, Mr. Chairman, that perhaps the bill would be more effective if it reflected the accurate state of the U.S. law and not the more inflated assessment that in fact is not going to be the case at the beginning of the new fiscal year.

Chairman GILMAN. In response to the gentleman, the chair was attempting to clarify some of the language that the gentleman inquired about. We would be pleased to work with the gentleman if there is still some concern about language that needs to be clarified.

We are not in that section. We have gone on to section 103. We will need consent to go back to that section if the gentleman insists.

There is a roll call on the floor and we will recess for 10 minutes in order to give the members an opportunity to cast their votes.

Mr. WYNN. If the chairman would yield, I withdraw my reservation.

Mr. GOODLING. I think we are confusing what we think the law is and what we will be assessed. This doesn't say what we will pay, this says we will be assessed 31.7 percent, we will be assessed. Whether we pay it or not is another question.

Mr. WYNN. Mr. Chairman, I——

Chairman GILMAN. The committee stands in recess.

[Recess.]

Chairman GILMAN. The committee will come to order.

Will our colleagues please take their seats.

Mr. HAMILTON. Mr. Chairman.

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. Mr. Chairman, I want to ask unanimous consent to correct the record. You indicated that the title of this bill was changed after consultations with the National Security Council. I am informed by the White House there were no such consultations. I think you probably meant to say, the National Security Committee, and I am requesting that the record be changed.

Chairman GILMAN. Without objection, the record will stand changed.

Mr. WYNN. Mr. Chairman, at the time of our adjournment, I had reserved the right to object to a motion made by the gentleman. I got the clarification that I needed. I thank the chair for its indulgence and withdraw my reservation.

Chairman GILMAN. I thank the gentleman for withdrawing.

Mr. Burton.

Mr. BURTON. Mr. Chairman, I move to strike the last word.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. BURTON. I will try not to take the full 5 minutes. Mr. Chairman, we have been here for probably——

Chairman GILMAN. If the gentleman would hold, there is a unanimous consent request pending.

Mr. Bereuter, are you going to continue your request?

Mr. BEREUTER. Yes, I renew my unanimous consent request.

Mr. BURTON. Then I will withhold on my statement, Mr. Chairman.

Chairman GILMAN. Will you repeat?

Mr. BEREUTER. That on page 4, line 7 and 8, that the phrase "and other United Nations missions" be deleted.

Chairman GILMAN. Without objection, if there is no objection, the amendment is——

Mr. GEJDENSON. Reserving the right to object.

Chairman GILMAN. The gentleman is recognized.

Mr. GEJDENSON. I wonder if the gentleman would at the same time like to correct in 101, section 5 where it states also that the Department of Defense also incurs hundreds of millions of dollars in costs every year for U.S. military participation in U.N. peacekeeping or humanitarian missions, most of which are not reimbursed by the United Nations. For fiscal year 1994, these Department of Defense costs totaled $1.7 billion.

Mr. BEREUTER. If the gentleman would yield.

Mr. GEJDENSON. I would be happy to yield.

Mr. BEREUTER. It would not be my intent to do that, but I would say to the gentleman, if there are statistical changes or apparent inaccuracies in these prefatory comments, I believe that if you

would make a list of them on your side of the aisle joined by our side of the aisle, the chairman and the ranking member could handle this by managers' amendment on the House floor.

Chairman GILMAN. I will be pleased to——

Mr. GEJDENSON. Withdraw my reservation.

Chairman GILMAN. On the gentleman's unanimous consent request, if there is no objection, the amendment is adopted.

I ask the clerk to designate the next section.

Mr. BURTON. Mr. Chairman.

Chairman GILMAN. Mr. Burton.

Mr. BURTON. If I might be recognized to strike the last word now.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. BURTON. Mr. Chairman, we are still in the opening section of the bill. These are just findings, we are not really into the substance of the bill, and we have been going for almost an hour. Of course we did have a little time out for a vote on the floor.

I understand guerrilla tactics, you know, I have employed them from time to time on the floor when I felt like the Minority, then Republicans, was being mistreated, and I certainly understand that in the committee that we are now sitting and every committee that is now handling the Contract With America—I just talked to Mr. Hyde on the Judiciary Committee, he is experiencing the same thing, we experienced the same thing in the Committee on Government—the former Government Operations Committee, and it is taking a tremendous amount of time.

And while I understand it, I also understand, and I think the Minority understands that the Republican party is now in the majority, and I would just like to say to my colleagues on both sides of the aisle and the chairman that we have a fairly voluminous bill here, and we have time constraints, and while we are very concerned, and I am very concerned about making sure the Minority's rights are protected as I was when I was in the Minority, we ought to go ahead and push ahead and if dilatory tactics——

Mr. WYNN. Will the gentleman yield.

Mr. BURTON. I will not yield at this time.

And if dilatory tactics are employed, and it is obvious that they are, sometimes with the complicity of the White House because I know they don't want this bill passed, then I think we in the Majority ought to be aggressive in voting down these dilatory tactics and amendments and get on with the business that we were sent here to do.

Now, I know that will cause a little chagrin on the other side of the aisle, but we are under time constraints and we have to get this job done, and so I would just like to say to my colleagues on the Republican side, we may have to bow our backs here and get a little tough, but we are going to have to do that because the Minority in every committee, in every committee dealing with the Contract is using the same tactics, employing the same tactics to slow down this process because they are devoid of ideas, and the only thing they can do is try to make the Republican party look bad.

And so I would just like to say, let's hear their amendments, and let's get on with it, let's vote them down and get to the floor with this bill.

Mr. WYNN. Would the gentleman yield?

Mr. ACKERMAN. Mr. Chairman.

Mr. ENGEL. Will the gentleman yield?

Mr. ACKERMAN. Mr. Chairman, move to strike the last word.

Chairman GILMAN. Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

I would like to respond to my friend from Indiana, and I would like to respond with the degree of seriousness that this issue merits. I do not recognize any time constraints when it comes to national security. The urgency with which these matters are handled were self-imposed time restraints by our colleagues on the other side. That was their choice.

I think it is extremely important for the gentleman from Indiana and for all my friends on the other side to understand that there are those of us on this committee who have viewed national security and foreign policy considerations in a totally bipartisan fashion, who have supported President Bush on the Persian Gulf war against great pressure at that time from the Democratic leadership. I resent and reject the suggestion with all the emphasis at my command that we are engaged in dilatory tactics because of partisan reasons.

Let me also say, while I have the floor, that unless I am mistaken, 60 percent of the American people eligible to vote chose not to vote in 1994. Slightly over 20 percent voted for our Republican friends and slightly under 20 percent voted for the Democrats. There is no God-given mandate to change the universe, and the sooner we understand this, the better. We want to work cooperatively. We will not be muzzled. We will not work with any self-imposed deadlines.

Mr. BEREUTER. Will the gentleman yield?

Mr. LANTOS. In a minute.

Mr. BEREUTER. Thank you.

Mr. LANTOS. I think it is important to realize that the national security concerns of the United States far transcend a desire to end this meeting at 3 or to postpone final decision until Monday or Tuesday or Wednesday. There is no emergency, nothing presses us on except the determination of some people on the other side, and that is their privilege, to get these dramatic changes through in 100 days or whatever the number of days.

Well, that is a very minor consideration when we are fundamentally changing U.S. national security and foreign policy.

I thank the chair. I am happy to yield to my friend from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

I would like to say something to the gentleman, and to all members particularly on your side of the aisle, in visiting with the Majority Leader today, he made it clear to us that we have the prerogatives which I would certainly protest if they were denied me to work constructively with members on your side of the aisle on legitimate amendments that you care to offer here. There is no lock step mentality against anything that comes from your side of the aisle.

We will have some important policy differences, and we have certain elements in the Contract, which is really much smaller in de-

tail than some people think, it is not the full legislation that is offered ultimately beyond what we set up, but we are prepared to work constructively if you give us a chance to do that and we don't get off on the wrong foot.

I thank the gentleman for yielding.

Mr. GOODLING. Would the gentleman yield?

Mr. LANTOS. I would be happy to yield to the gentleman.

Mr. GOODLING. I would like to suggest that we get on with the markup and that we offer amendments to strike words or to offer amendments to change the meaning, but it seems to me, if we get into the amendment process, that is the way to handle this. I don't believe too many more speeches on either side are going to really add very much to doing a good job as far as the legislation is concerned.

Mr. LANTOS. If I may reclaim my time, I have heard plenty of speeches from my colleagues on the Republican side——

Mr. GOODLING. I said on both sides.

Mr. LANTOS [continuing]. During the previous 14 years, and I never attempted to muzzle those speeches, and I profoundly reject the gentleman's notion that colleagues on this side may not express their views, whatever those views are.

Chairman GILMAN. The gentleman's time has expired.

The chief of staff will report the next section within the jurisdiction.

Mr. WYNN. Mr. Chairman, I move to strike the last word.

Chairman GILMAN. The gentleman is recognized.

Mr. WYNN. Thank you, Mr. Chairman.

I feel compelled to make a comment in light of the statement by the gentleman from Indiana because I don't think that the Majority can have it both ways. On the one hand, they say that the Contract is very important and it must move forward. Hence we have mandated benefits on the floor today and a lot of amendments that those of us in the Minority would like to pursue, speak on, what have you.

At the same time, we are here dealing with another element that deserves equal reflection and deliberation. The Majority, in its wisdom—and I enthusiastically support the rule change—said originally that we would not be placed in this difficult situation, that when matters were before the House or before the Committee of the Whole under the 5-minute rule we would not have to be in committee taking up important measures. I think that was a wise decision which has since been reneged on.

Now I think we are in the very frustrating situation of having to run back and forth, having to worry about whether we can participate in one aspect of the debate on the Contract or whether we miss a vote here in committee. So I think part of the concerns of the Minority as reflected in our attitude this morning have to do with this change in the rules that I think works to the detriment of all of us in terms of being able to deliberate and analyze important legislation that the Majority is trying to put forward.

Mr. HASTINGS. Would the gentleman yield?

Mr. WYNN. I would be happy to yield.

Mr. HASTINGS. I thank the gentleman for yielding.

Also responding to the gentleman with reference to this matter, I did not raise the questions that I raised idly or without substantial thought. Evidence that the raising of those questions was pertinent, it did secure some understanding with the distinguished gentleman from Nebraska correcting inaccuracies that had been ongoing.

I too am genuinely concerned that we are going back and forth to various committees. There are members on both sides who are unable to be here, and I don't consider it dilatory when we are talking about national security that we impeccably examine proposed legislation.

I wasn't elected to pursue the Contract. As a matter of fact, I told my constituents that I was going to vote against the Contract, and I am—and I want to have an opportunity to demonstrate to my constituents that that is the case. We have not had time to analyze this particular measure and all of its particulars, and nor has the other side in a genuine way.

Toward that end, Mr. Chairman, I move we adjourn.

Chairman GILMAN. The gentleman has not been recognized for the purpose of making that motion.

Mr. HASTINGS. Then, Mr. Chairman, I seek recognition to make a motion to adjourn.

Mr. BURTON. I object.

Chairman GILMAN. There is a motion before the committee for adjournment.

All in favor, signify in the usual manner.

All opposed.

The noes have it.

Mr. ACKERMAN. Mr. Chairman, I ask for a roll call vote.

Chairman GILMAN. There is a request for a roll call vote. The chief of staff will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. No.

Mr. GARON. Mr. Gilman votes no.

Mr. Goodling.

[No response.]

Mr. GARON. Mr. Leach.

Mr. LEACH. No.

Mr. GARON. Mr. Leach votes no.

Mr. Roth.

Mr. ROTH. No.

Mr. GARON. Mr. Roth votes no.

Mr. Hyde.

[No response.]

Mr. GARON. Mr. Bereuter.

Mr. BEREUTER. No.

Mr. GARON. Mr. Bereuter votes no.

Mr. Smith.

[No response.]

Mr. GARON. Mr. Burton.

Mr. BURTON. No.

Mr. GARON. Mr. Burton votes no.

Mrs. Meyers.

[No response.]

Mr. GARON. Mr. Gallegly.
[No response.]
Mr. GARON. Ms. Ros-Lehtinen.
[No response.]
Mr. GARON. Mr. Ballenger.
[No response.]
Mr. GARON. Mr. Rohrabacher.
Mr. ROHRABACHER. No.
Mr. GARON. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. No.
Mr. GARON. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King votes no.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
[No response.]
Mr. GARON. Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
[No response.]
Mr. GARON. Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.
Mr. GARON. Mr. Gejdenson votes aye.
Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Lantos votes aye.
Mr. Torricelli.
Mr. TORRICELLI. Aye.
Mr. GARON. Mr. Torricelli votes aye.
Mr. Berman.
Mr. BERMAN. Aye.
Mr. GARON. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. JOHNSTON. Mr. Johnston.
[No response.]

Mr. GARON. Mr. Engel.
Mr. ENGEL. Aye.
Mr. GARON. Mr. Engel votes aye.
Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez. Mr. Martinez?
[No response.]
Mr. GARON. Mr. Payne. Mr. Payne.
[No response.]
Mr. GARON. Mr. Andrews.
Mr. ANDREWS. Aye.
Mr. GARON. Mr. Andrews votes aye.
Mr. Menendez.
Mr. MENENDEZ. Yes.
Mr. GARON. Mr. Menendez votes aye.
Mr. Brown.
Mr. BROWN. Aye.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.
Ms. MCKINNEY. Aye.
Mr. GARON. Ms. McKinney votes aye.
Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
Mr. MORAN. Aye.
Mr. GARON. Moran votes aye.
Mr. SMITH. How am I recorded?
Mr. GARON. Mr. Goodling.
Mr. GOODLING. No.
Mr. GARON. Goodling votes no.
Mr. Hyde.
[No response.]
Mr. GARON. Mr. Smith.
Mr. SMITH. No.
Mr. GARON. Mr. Smith votes no.
Mrs. Meyers.
Mrs. MEYERS. No.
Mr. GARON. Mrs. Meyers votes no.
Mr. GALLEGLY. Mr. Gallegly.
[No response.]
Mr. GARON. Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Mr. GARON. Ms. Ros-Lehtinen votes no.
Mr. Ballenger.
Mr. BALLENGER. No.
Mr. GARON. Mr. Ballenger votes no.
Mr. Brownback.

Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.
Mr. Hyde.
Mr. HYDE. No.
Mr. GARON. Mr. Hyde votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly votes no.
Mr. Johnston.
Mr. JOHNSTON. Yes.
Mr. GARON. Mr. Johnston votes yes.
Mr. GARON. Mr. Martinez?
[No response.]
Mr. GARON. Mr. Payne?
[No response.]
Chairman GILMAN. The clerk will report the vote.
Mr. GARON. The vote on the motion to adjourn is 15 ayes, 23 noes.
Chairman GILMAN. The motion is not agreed to. The clerk will designate the next section.
Mr. MENENDEZ. Mr. Chairman, parliamentary inquiry.
Chairman GILMAN. The motion is not agreed to. The clerk will designate.
Mr. MENENDEZ. Mr. Chairman, I have a parliamentary inquiry.
Chairman GILMAN. Who is making inquiry? Mr. Menendez.
Mr. MENENDEZ. Mr. Chairman, what section are we presently in?
Chairman GILMAN. We are about to go to section 303. We are in 103.
Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.
Chairman GILMAN. The gentleman is recognized.
Mr. MENENDEZ. Mr. Chairman, first, I don't want to delay the proceedings. I have a statement for the record that I would like to include as it relates to the——
Chairman GILMAN. We would be pleased to include the statement in the record.
[The statement of the Honorable Robert Menendez appears in the appendix.]
Mr. MENENDEZ. Mr. Chairman, I have a specific comment about section 103 before we move on, but before we do that, I would like to make a prefatory comment that is sparked by the gentleman from Indiana whom I have a great deal of respect for.
You know, this is my second term here, but I have been in the legislative process for many years. I have seen what happens when you rush to judgment and the consequences thereof. The former Governor of New Jersey knows what happens when you rush to judgment and then people find out what you actually did.
We, too, have a contract on this side of the aisle. It is not your contract; and we, too, have a mandate, but it is not your mandate; and we, too, have a sacred trust, but it is not your same trust. And so I hope that we don't listen to any more speeches about the reasons why members question because those of us who have a man-

date and a trust and a contract with the people who we were elected from in fact have obligations as well, and they are not to blindly rush through as a group of cyanide drinkers to go ahead and pass something simply for the sake of passing it.

Now, on 103, there is a section that specifically says the opening statement to the purpose is to establish a commission to reassess U.S. military needs, and at the same time it goes on to say "and reverse the continuing downward spiral of defense spending."

It would seem to me that we have by virtue of that statement already made and stated very explicitly what the Commission's charge is with a conclusion, and in doing so, I wonder why we need to have that language. Why do we need to have a commission to begin with?

Why do we insist, after we had a great debate yesterday about balancing the budget on spending $1.5 million, to go ahead to have a commission that we have already told we want to reverse the continuing downward spiral of defense spending?

Why, when we have a National Security Committee, an International Relations Committee, a Government Oversight Committee, a whole review by the Defense Department and a whole host of other agencies, why we have to add an additional bureaucracy to go ahead and spend $1.5 million? It does not seem to me in that context that this, although prefatory comments is in fact guiding for the purposes of how those who are to implement this act, would in fact look toward that language as instructive. And so I would ask unanimous consent to remove paragraph 1 as one which is unnecessary, bureaucratic, adds another layer and spends the taxpayers' money unnecessarily.

Chairman GILMAN. Does the gentleman have a motion that he would like to direct to the committee?

Mr. MENENDEZ. Mr. Chairman, I said I would move to have section 103 (1) stricken from the bill.

Mr. BURTON. I object, Mr. Chairman, if an objection is in order.

Chairman GILMAN. The gentleman objects.

Mr. SMITH. Mr. Chairman, move to strike the last word.

Chairman GILMAN. Mr. Smith.

Mr. SMITH. Mr. Chairman, I will be very, very brief.

To accommodate the Minority, this hearing was pushed over to today. I just want to let the record show that my absence right now is only because there is a hearing of the Helsinki Commission going on on the very important and pressing issue of Chechnya. I am Chairman of that commission, so I would hope that when a roll call is called, since again to accommodate the Minority this was pushed over to today, it was not scheduled for today, that ample time, very reasonable time would be given so that I and others who might be having markups elsewhere can report here to vote.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. Are you addressing the motion that is before us?

Mr. GEJDENSON. Yes, I am. The motion of the gentleman from New Jersey.

Chairman GILMAN. The gentleman is recognized.

Mr. GEJDENSON. Yes, I would just like to read a short paragraph from Secretary Perry's testimony before the House Committee on

National Security on January 27, 1995. "I do not believe the establishment of such a commission would contribute to our understanding of the Nation's defense needs. Moreover, it has the potential to interfere with the open debate between the executive and legislative branches. Much of the strength of our defense establishment stems from the products of this debate.

"Periodically a commission might be established to grapple with a specific issue such that the present commission on the role and missions of armed forces. However, the most effective way to solve the complex defense issues is to hold the management of the Defense Department responsible for formulating and executing a defense strategy to protect American security interests and to expect Congress to provide critical oversight of the management team through the congressional committees," such as the House Committee on National Security which he was testifying at that time.

"In this sense, some of the key functions of the committee would be to delegate to an independent commission, we believe that the Nation's security is best served by strengthening the relationship between the Department of Defense and this committee," referring to the Committee on National Security, "not through the establishment of an independent commission, which usurps the responsibilities of both."

Chairman GILMAN. I thank the gentleman for his comments.

Mr. Burton.

Mr. BURTON. Mr. Chairman, I move the previous question.

Chairman GILMAN. Previous question has been moved. All in favor, signify in the usual manner.

Opposed.

The motion is carried.

The question is on the amendment. All in favor, signify in the usual manner.

Opposed.

The amendment is not agreed to.

Mr. MENENDEZ. Mr. Chairman, I ask for a recorded vote.

Chairman GILMAN. A recorded vote has been requested. The Chief of Staff will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. No.

Mr. GARON. Chairman votes no.

Mr. Goodling.

Mr. GOODLING. No.

Mr. MENENDEZ. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. Who is requesting?

Mr. MENENDEZ. I am requesting, Mr. Chairman.

Chairman GILMAN. Yes. The gentleman is recognized on his parliamentary inquiry.

Mr. MENENDEZ. Could the chair state for the full committee what is the question being voted on.

Chairman GILMAN. Will the clerk read the motion, please.

Mr. BURTON. We don't have anything in writing.

Chairman GILMAN. Does the gentleman have his amendment in writing?

Mr. MENENDEZ. Mr. Chairman, I am responding to the vote that is presently under way. I asked for a parliamentary inquiry as to what it is. Is that what you are voting on?

Chairman GILMAN. We are voting on the gentleman's motion. We don't have any written amendment before us.

Would the gentleman want to repeat his motion.

Mr. MENENDEZ. Sure, I would be happy to repeat it. My motion is to strike section 103 (1) which creates a commission to reassess U.S. military needs and reverse the continuing downward spiral of defense spending which would cost the taxpayers of the country $1.5 million unnecessarily.

Chairman GILMAN. The clerk will continue to read the roll.

Mr. GARON. Mr. Leach.

Mr. LEACH. No.

Mr. GARON. Mr. Leach votes no.

Mr. Roth.

Mr. ROTH. No.

Mr. GARON. Mr. Roth votes no.

Mr. Hyde. Mr. Hyde.

[No response.]

Mr. GARON. Mr. Bereuter.

Mr. BEREUTER. No.

Mr. GARON. Mr. Bereuter votes no.

Mr. Smith.

[No response.]

Mr. GARON. Mr. Burton.

Mr. BURTON. No.

Mr. GARON. Mr. Burton votes no.

Mrs. Meyers.

Mrs. MEYERS. No.

Mr. GARON. Mrs. Meyers votes no.

Mr. Gallegly.

[No response.]

Mr. GARON. Ms. Ros-Lehtinen.

[No response.]

Mr. GARON. Mr. Ballenger.

Mr. BALLENGER. No.

Mr. GARON. Mr. Ballenger votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Mr. GARON. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Mr. GARON. Mr. Manzullo votes no.

Mr. Royce.

Mr. ROYCE. No.

Mr. GARON. Mr. Royce votes no.

Mr. King.

Mr. KING. No.

Mr. GARON. Mr. King votes no.

Mr. KIM.

Mr. KIM. No.

Mr. GARON. Mr. Kim votes no.

Mr. Brownback.

Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
[No response.]
Mr. GARON. Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.
Mr. GARON. Mr. Gejdenson votes aye.
Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Lantos votes aye.
Mr. Torricelli.
Mr. TORRICELLI. Aye.
Mr. GARON. Mr. Torricelli votes aye.
Mr. Berman; Mr. Berman.
[No response.]
Mr. GARON. Mr. Ackerman.
Mr. ACKERMAN. Aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. Johnston.
Mr. JOHNSTON. Aye.
Mr. GARON. Mr. Johnston votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Mr. GARON. Mr. Engel votes aye.
Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
Mr. MARTINEZ. Aye.
Mr. GARON. Mr. Martinez votes aye.
Mr. Payne.
Mr. PAYNE. Aye.
Mr. GARON. Mr. Payne votes aye.
Mr. Andrews.
Mr. ANDREWS. Aye.
Mr. GARON. Mr. Andrews votes aye.
Mr. Menendez.
Mr. MENENDEZ. Aye.
Mr. GARON. Mr. Menendez votes aye.
Mr. Brown.
Mr. BROWN. Aye.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.

Ms. MCKINNEY. Aye.
Mr. GARON. Ms. McKinney votes aye.
Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.
Mr. MCNULTY. Aye.
Mr. GARON. Mr. McNulty votes aye.
Mr. Moran.
Mr. MORAN. Aye.
Mr. GARON. Mr. Moran votes aye.
Mr. Smith.
Mr. SMITH. No.
Mr. GARON. Mr. Smith votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly votes no.
Mr. Hyde.
Mr. HYDE. No.
Mr. GARON. Mr. Hyde votes no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.
Chairman GILMAN. The clerk will read the tally.
Mr. GARON. On this vote, noes are 21, ayes are 17.
Chairman GILMAN. The amendment is not agreed upon.
The chief of staff will report the next section within the jurisdiction of the committee.
Mr. GARON. Section 303. Duties.
Mr. HAMILTON. Mr. Chairman.
Chairman GILMAN. Yes, sir.
Mr. HAMILTON. I have a unanimous consent request.
Mr. Faleomavaega has been called away on a family emergency. I ask unanimous consent that Title III be kept open only for purposes of considering an amendment by Mr. Faleomavaega or his designee.
I also understand the amendment has been accepted by the Minority, but I think he would like the privilege of offering——
Chairman GILMAN. By the Majority?
Mr. HAMILTON. By the Majority, excuse me.
Chairman GILMAN. Without objection. The Chief of staff will report the next section.
Mr. MENENDEZ. Mr. Chairman.
Chairman GILMAN. Who is requesting?
Mr. MENENDEZ. Move to strike the last word.
Chairman GILMAN. The gentleman is recognized.
Mr. MENENDEZ. Mr. Chairman, in pursuit, since that was such a close vote and I believe that some members might have had an opportunity, I would like to have this motion in writing to strike line 9, page 9, and all that follows through page 4, line 17.
Chairman GILMAN. Are you repeating the prior motion?

Mr. MENENDEZ. No, Mr. Chairman.

Chairman GILMAN. Would you explain what you are doing?

Mr. MENENDEZ. I would be happy to do so.

Mr. Chairman, the prior motion was a prefatory motion as it relates—prefatory language as it relates to the purpose of the commission. Section 303 actually outlines its duties, and in pursuit of what I believe is unnecessary waste of taxpayers' money, I would seek to have section 303 struck in its entirety, not only because I would join in Mr. Gejdenson's remarks that were made by Secretary Perry and also because of the waste in taxpayers' money and also because what we have done here in this language or what has been done by those who offer this language is strictly to, you have stated, the commission's conclusions, and therefore you have predetermined or undermined all its pretension to objectivity.

Therefore, I would move my motion, Mr. Chairman.

Mr. MANZULLO. Mr. Chairman.

Mr. ROTH. Mr. Chairman.

Chairman GILMAN. The gentleman has a point of order.

Mr. ROTH. I have a point of order. This particular amendment does not come under our jurisdiction, Mr. Chairman.

Chairman GILMAN. The gentleman raises a point of order with regard to jurisdiction. Will counsel state whether or not this is within our jurisdiction.

Will the gentleman suspend while we have counsel report on the jurisdiction.

Mr. GEJDENSON. Mr. Chairman, I would like to be heard on the motion.

Chairman GILMAN. Will the gentleman suspend for a moment.

Mr. GEJDENSON. When the chairman is ready.

Chairman GILMAN. Is the gentleman's amendment in writing?

Mr. MENENDEZ. Yes, Mr. Chairman, it is being presented to you now.

Chairman GILMAN. Would the clerk distribute the amendment, please.

Mr. MANZULLO. Would the gentleman yield for a question?

Chairman GILMAN. I would be pleased to yield to the gentleman's question.

Mr. MANZULLO. I have a question for Mr. Martinez.

Mr. MENENDEZ. Menendez.

Mr. MANZULLO. Menendez, I'm sorry.

Mr. MENENDEZ. We have different names. We may be the same nationality, but we have different names.

Mr. MANZULLO. Forgive me, Mr. Menendez. I understand that you are moving to strike section 303.

Mr. MENENDEZ. It is actually the entire section 3, entire title.

Mr. MANZULLO. All of Title III?

Chairman GILMAN. Is the gentleman striking Title III or section 3?

Mr. MENENDEZ. Title III.

Chairman GILMAN. The entire title?

Mr. MENENDEZ. Yes.

Chairman GILMAN. Would the clerk please distribute the amendment. I am informed that we don't have the amendment before us, and I am going to suggest——

Mr. MENENDEZ. I believe that you have it, your counsel is reading it, Mr. Chairman.

Chairman GILMAN. The members do not have the amendments before them. If the gentleman would arrange to have the amendments distributed——

Mr. GEJDENSON. Will the chairman yield for a moment?

Chairman GILMAN. I would be pleased to.

Mr. GEJDENSON. While the counsel is reviewing its ruling, I think the amendment is pretty clear, although——

Chairman GILMAN. Well, at this point, we are not prepared to have a discussion on any amendment until we rule whether it is within our jurisdiction.

Mr. GEJDENSON. I was going to ask the chairman a question while the counsel is reviewing. Was the head of the Joint Chiefs of Staff or the Secretary of Defense invited to testify before this committee on this significant action that is included within this section? Did Chairman Gilman invite Secretary Perry to come testify before the committee?

Chairman GILMAN. In response to the gentleman, we did have hearings on the bill, we responded to the Minority's request. There were hearings on the bill. There were no requests made to have the Defense Department appear at that time.

Mr. GEJDENSON. So what this committee has done in the Majority's running of the committee is to rush to mark this legislation up without hearing from the Defense Department; is that correct?

Chairman GILMAN. I am sorry, would the gentleman repeat his——

Mr. GEJDENSON. In the rush to meet these deadlines, we are marking up this section that alters the relationships on defense policymaking, according to Secretary of Defense, without ever inviting the Defense Department to testify on this section?

Chairman GILMAN. The National Security Committee has been in consultation with the Department of Defense on this very section.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, we are marking this section up as well. It seems to me we have had Defense Department witnesses here historically, it seems this was an important area, and I think, I raise it once again to point out that we are in this insane rush, and I am not sure whether you are fearful that in the light of day with review there will be a revulsion to many of the provisions in this legislation or it is simply just the rush, but whatever it is, it points out the problem with moving so quickly without giving members on either side adequate time to review the legislation.

This isn't some minor change in the law in how we run this country. I really think that, you know, for comity in this chamber this is now setting up to be a pattern. In one of my other committees, 7:30 the night before the vote, we are handed the final draft of a proposal, in this committee where in my memory on this committee we have always tried to share with the Republicans when they were the Minority and certainly on my subcommittee, you can ask Mr. Roth, we shared every detail of what we were doing long in advance of any meetings. Then to find that we are dealing with major issues like this and, because of the rush to meet an arbitrary

schedule, we don't even have time to bring the Defense Department in to testify.

Mr. BURTON. Mr. Chairman.

Chairman GILMAN. I am yielding to counsel for an explanation with regard to the jurisdiction of this section.

Mr. BURTON. Mr. Chairman. OK.

Mr. RADEMAKER. Mr. Chairman, Title III of H.R. 7 was referred to the Committee on National Security for primary jurisdiction over this matter. Our committee received it essentially on secondary jurisdiction. The National Security Committee is having hearings on or has had hearings on H.R. 7, and——

Mr. BURTON. Mr. Chairman.

Chairman GILMAN. Mr. Burton.

Mr. BURTON. Mr. Chairman, I have just been informed that the National Security Committee which has jurisdiction did ask the Department of Defense to testify, and they declined, so the Department of Defense has been advised of this, they have been asked——

Mr. GEJDENSON. If the gentleman would yield, they are testifying this morning. I just don't want the gentleman to embarrass himself. They are testifying there this morning.

Mr. BURTON. Well, we have been advised that the Department of Defense was on a number of occasions asked to testify and they declined.

Mr. ROTH. Mr. Chairman.

Chairman GILMAN. Mr. Roth.

Mr. ROTH. Thank you for recognizing me, Mr. Chairman.

Mr. Chairman, we are obviously running into dilatory tactics here this morning. Mr. Chairman, I move that all debate on each amendment be limited to 5 minutes on each side.

Mr. ANDREWS. Mr. Chairman, point of order.

Chairman GILMAN. Who is raising the point of order?

Mr. ANDREWS. Mr. Andrews from New Jersey.

If I understand what is before the committee at this point is the ruling or what is about to be the ruling of the chair on whether or not we have jurisdiction on Mr. Menendez' amendment; is that correct?

Chairman GILMAN. Point of order is premature. We will have the clerk read the proposal.

Mr. ANDREWS. I withdraw the point of order.

Chairman GILMAN. Who has the written proposal? Do the clerks have it? Would you please distribute the proposal if we have it.

Mr. GARON. Amendment offered by Mr. Menendez. Strike line 9, page 9, and all that follows to line 4, page 17.

Chairman GILMAN. The question is on the motion before the committee.

Mr. MENENDEZ. Mr. Chairman, in pursuit of—first of all, there is a question, a point of order was raised as it relates to jurisdiction. Is that point of order no longer existing?

Chairman GILMAN. It has been withdrawn.

Mr. ANDREWS. I renew my point of order and make a parliamentary inquiry as to whether the chair has determined whether we have jurisdiction over Mr. Menendez' amendment.

Do we or don't we?

Chairman GILMAN. I am going to ask counsel to comment on the jurisdiction.

Mr. RADEMAKER. As stated previously, Title III was referred to our committee as well as to the Committee on National Security. Primary jurisdiction over Title III is vested in the National Security Committee. It was referred to us on secondary jurisdiction over those matters within Title III that are within our jurisdiction.

Mr. ANDREWS. Mr. Chairman, point of order again, if I may address this question to you.

Chairman GILMAN. There is one point of order pending.

Mr. ANDREWS. It is my point of order that is pending, if I may follow up on my question. I am not sure I understood the answer. Is it yes or no?

Chairman GILMAN. We have sequential reference on this section, and we are willing to entertain the motion based on that.

Mr. ANDREWS. I appreciate that. So the answer is yes?

Chairman GILMAN. The ruling is that the motion is now in order.

Mr. ANDREWS. I would move to strike the last word.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. ANDREWS. I am going to speak very briefly and say that I am one who is sympathetic to much of the substance of this legislation, frankly in contrast to my Democratic colleagues, but let me remind my Republican colleagues of this: You came in on January 4 and you consolidated and reduced the number of committees of this House and many of us supported you because you were right.

You came in on January 4 and you reduced by one-third the budgets for committee staff and the numbers of committee staff, and many of us supported you because we believed that you were right. I believe that you are going in exactly the opposite direction, exactly the opposite direction by adding another commission on top of another committee on top of another task force at a cost of $1.5 million to the American people. You are going exactly the opposite direction as you were on January 4.

And let me say one final thing. I think the other Contract With America that you made was to exercise independent judgment as to whether you think something is right or wrong, not to walk into the committee room and have someone say we are all voting yes on this or we are all voting no on this.

I would urge you to exercise independent judgment and ask yourselves, after you have voted to reduce committees and to reduce committee staffs, is it right to create yet another commission at a cost of $1.5 million to the American taxpayers?

I would urge you to vote yes on Mr. Menendez' amendment.

Mr. MANZULLO. Will the gentleman yield for a question?

Mr. ANDREWS. Yes.

Mr. MANZULLO. What commission would do the studying if the new one was not created?

Mr. ANDREWS. I would suggest that two committees of this Congress would do it, the Committee on National Security, and this one. That is what we are here to do.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. I would be pleased to yield to the gentleman.

Mr. GEJDENSON. Mr. Chairman, move to strike the requisite number of words.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. GEJDENSON. For the record's sake, I would first like to make two statements here, one is that Secretary Perry is now as we are meeting testifying before the National Security Committee. Members have not yet had time to even get a briefing on Secretary Perry's comments.

This committee never invited anybody from the Defense Department to comment on this commission, and it again goes to the heart of the argument that we have created this arbitrary clock, and it is for one or two purposes. It is either because the legislation can't stand the light of day or that the Majority on this committee is fearful that if we are given time, the arguments will be clear to repudiate their policies. Both lead you to the same conclusion.

If you want to go through this in a thoughtful manner, and I know the leadership on your side has demanded that you have a date certain you have got to get this out on, take a little time, hold some hearings.

We are not just changing what we do as a country in a minor way. When we had the debate over Nicaragua and the Contras, one small country in the Western Hemisphere, the Republicans in the Congress and some Democrats said we are shackling the President's hands when we wanted to cutoff funding for the Contras, clearly something within the purview of the Congress. We have the budget strings, we have a right to cutoff that funding.

Today we have here a piece of legislation which has not thoroughly been aired, it is in its third or fourth iteration, and we are being told we have to move this by 3 today so that we can meet this 100-day deadline. We are affecting how the U.N. runs, we are affecting how the Defense Department runs, we are saying on one hand not one American troop can be used in peacekeeping, but we are going to commit 100,000 American soldiers and our nuclear wherewithal to defend countries that are barely democratic in the former Soviet Union and the East bloc.

I mean, does it make sense in this committee without adequate hearing and review to say that the United States and the forces of NATO ought to be used to protect part of what used to be Czechoslovakia? Is that good foreign policy? Is it good foreign policy after all the years since World War II to try to cripple the United Nations?

It may be good politics, but it certainly isn't the right thing for American foreign policy, and while there may be some good intentions on getting better budgets and more efficient budgets, the reality is what we do here today, unless we change it dramatically, endangers the national security and the interests of the United States.

Mr. BEREUTER. Mr. Chairman.

Chairman GILMAN. The Chair recognizes Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I speak in opposition to the motion of the gentleman from New Jersey, Mr. Menendez, and I do that first of all because the forum for the discussion of whether or not the commission should be established is the National Security Committee. If I could ask the members to follow me, I will tell them specifically what elements in H.R. 7 specifically are in our jurisdiction, and they do not go to

whether or not we should create the commission. Our jurisdiction relates to duties and to the type of assessment that might be made.

On page 11, we have jurisdiction over items one and two, those two elements of assessment under duties.

On page 12 we have jurisdiction on item 10, that element of assessment.

And finally, on page 13, under the kind of specific recommendations that are to be rendered, we have jurisdiction over point 5. Only those elements are within our jurisdiction.

Therefore, the proper forum for debate upon whether or not the commission should be established is the National Security Committee. I would say that given the limited jurisdiction of assessment and recommendation, the one recommendation we have, our hearings should have been adequate on this and I believe that they were, and therefore, Mr. Chairman, I move the previous question on this amendment.

Chairman GILMAN. A motion has been made to move the previous question.

All in favor, signify in the usual manner.

Opposed.

Mr. ACKERMAN. Point of parliamentary inquiry.

Chairman GILMAN. Parliamentary inquiry. The gentleman is recognized.

Mr. ACKERMAN. Can the gentleman make a motion after making a speech, a motion for which he was not originally recognized?

Chairman GILMAN. By unanimous consent, the gentleman can make that kind of a motion.

Mr. ACKERMAN. I didn't hear him ask for unanimous consent.

Mr. BURTON. Mr. Chairman.

Chairman GILMAN. The gentleman from Indiana has been recognized.

Mr. BURTON. I will move the previous question.

Chairman GILMAN. A motion has been made to move the previous question.

All those in favor signify in the usual manner.

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Opposed.

The ayes have it.

The clerk will——

Mr. ACKERMAN. Mr. Chairman. Mr. Chairman, for that I ask for a roll call vote.

Chairman GILMAN. The question is on——

Mr. ACKERMAN. Mr. Chairman, I ask for a recorded vote.

Chairman GILMAN. You are premature. The question is now on the amendment.

All in favor signify in the usual manner.

Opposed.

The noes have it.

Mr. ACKERMAN. Mr. Chairman.

Mr. WYNN. Point of parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. State your parliamentary inquiry.

Mr. WYNN. Mr. Chairman, did I understand you correctly, and I admit I may be in error, that we could not request a recorded vote on a motion to close off debate, on the previous question?

Chairman GILMAN. We did not hear a motion.

Mr. ACKERMAN. Mr. Chairman.

Mr. WYNN. But the motion would have been in order, the request for a recorded vote on the previous question would have been in order?

Chairman GILMAN. If it had been appropriately made. There has been a request now for a roll call vote, and we will proceed with the roll call vote.

Mr. ACKERMAN. Point of personal privilege.

Chairman GILMAN. State your point of personal privilege.

Mr. ACKERMAN. Mr. Chairman, I am offended that you might think that my voice was not loud enough or perhaps it is just the fact that my microphone might not be working and not have recognized my bellowing over the din asking for a recorded vote at the time that Mr. Burton made his motion.

Chairman GILMAN. We thank the gentleman for his clarification. We will now move on the request for a roll call vote. The clerk will call the roll.

Mr. ACKERMAN. Mr. Chairman, parliamentary inquiry. What are we having a roll call vote on, which motion?

Chairman GILMAN. It is on Mr. Menendez' motion. It is before you. It has been distributed.

Mr. ACKERMAN. But Mr. Chairman, I asked for a roll call vote so that debate would not be closed off. Is it the Chair's decision that you did not hear me or that it was not timely?

Chairman GILMAN. I thank you for your clarification. We did not hear the request.

Mr. ACKERMAN. In that case, I appeal from the decision of the Chair.

Chairman GILMAN. Request has been made that we might want to continue on Sunday morning since we are going to not have the time to complete this.

Mr. ACKERMAN. What time, Mr. Chairman? What time is the Chairman requesting?

Chairman GILMAN. There is now a request for a vote on the previous question before the committee, and I am asking the clerk to call the roll.

The clerk will proceed with the roll call vote.

Ms. MCKINNEY. Mr. Chairman.

Mr. ACKERMAN. Point of parliamentary inquiry, Mr. Chairman. There seems to be some confusion as to what we are voting on.

Chairman GILMAN. If the gentleman will suspend, we will clarify the procedure now before the committee.

I am going to request one of our staff counsel to clarify the procedure before the committee. Please identify yourself for the record.

Mr. WEINBERG. My name is Hillel Weinberg.

Mr. Chairman, the vote had begun, a roll call vote had begun and had been ordered, and begun on the Menendez amendment, and that although it was interrupted for a parliamentary inquiry, there is no other business appropriate at this time other than completion of the vote.

Chairman GILMAN. The clerk will read the roll.

Mr. ACKERMAN. I appeal from the decision of the Chair.

Chairman GILMAN. It is not in order at this time.

Mr. ACKERMAN. Mr. Chairman, if that is your ruling, with all due respect, Mr. Chairman, and you are someone for whom I have the greatest respect——

Mr. ROTH. Mr. Chairman, regular order, we have a vote before us.

Mr. ACKERMAN. Certainly your rulings are appealable, Mr. Chairman. If it is the contention of the Majority that the Chair might not even be appealed despite the fact that you have the Majority, then I do not think that this is a participatory democracy. We all have a contract to hear each other as well.

Chairman GILMAN. If the gentleman would yield, the appeal will be appropriate after the roll call is completed. Will the clerk proceed with the roll.

Mr. ACKERMAN. Mr. Chairman, my appeal was on closing off the debate.

Mr. ROTH. Mr. Chairman, point of order, we have a vote before us.

Mr. ACKERMAN. That is appropriate before the debate is closed off, Mr. Chairman.

Mr. ROTH. Mr. Chairman, regular order. We have a vote before us. Call the roll.

Mr. ACKERMAN. Mr. Chairman, I appeal from the decision of the Chair.

Chairman GILMAN. The appeal will be appropriately addressed following the roll call vote.

Mr. ACKERMAN. Mr. Chairman, could you please cite where it says that the appeal is taken after the vote on closing off debate.

Mr. ROTH. Regular order, Mr. Chairman.

Mr. ACKERMAN. Mr. Chairman, could you please—Mr. Chairman, you are——

Mr. ROTH. Regular order.

Mr. ACKERMAN. I do not want to come to the conclusion that you are closing off debate——

Chairman GILMAN. There is a roll call vote.

Mr. ACKERMAN [continuing]. By not allowing appeals from the decision of the Chair in this committee.

Mr. ROTH. Regular order, Mr. Chairman.

Mr. ACKERMAN. This will set a very dangerous precedent, Mr. Chairman. We have a right to appeal from the decisions of the Chair——

Chairman GILMAN. The gentleman is out of order.

Mr. ACKERMAN [continuing]. On any ruling that the Chair might make.

Chairman GILMAN. The gentleman is out of order. There is a roll call before the committee.

Mr. ACKERMAN. We ask that you allow us to vote on your ruling, Mr. Chairman. Mr. Chairman, is it your ruling that we may not speak?

Chairman GILMAN. There is a roll call under way.

Mr. MENENDEZ. Parliamentary inquiry.

Mr. ACKERMAN. I called—before the roll call began and before this motion was made, Mr. Chairman, and we have a right to vote on whether or not debate should be closed off.

Chairman GILMAN. Chief of staff will continue to read the motion.

Mr. ACKERMAN. Mr. Chairman, it is obvious you have the vote. Please allow us to exercise our franchise with our constituents.

Mr. GARON. Mr. Goodling.

Chairman GILMAN. The gentleman is out of order. There is a roll call under way. If the gentleman——

Ms. MCKINNEY. Parliamentary inquiry, Mr. Chairman.

Mr. MENENDEZ. Parliamentary inquiry on the vote, Mr. Chairman.

Chairman GILMAN. There is a roll call under way. When the roll is completed, we will address——

Ms. MCKINNEY. Mr. Chairman.

Mr. MENENDEZ. Mr. Chairman, point of information. For the members present, what is the vote, since you have had a lot of discussion in between?

Chairman GILMAN. The committee will come to order. The clerk is calling the roll.

Ms. MCKINNEY. Mr. Chairman, could you tell me who has voted yet?

Mr. ROTH. Regular order.

Mr. GARON. Mr. Bereuter votes no.

Mr. Smith.

Mr. SMITH. No.

Mr. GARON. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Mr. GARON. Mr. Burton votes no.

Mrs. Meyers.

Mrs. MEYERS. No.

Mr. GARON. Mrs. Meyers votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Mr. GARON. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Mr. GARON. Ms. Ros-Lehtinen votes no.

Mr. Ballenger.

Mr. BALLENGER. No.

Mr. GARON. Mr. Ballenger votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

Mr. GARON. Mr. Rohrabacher votes no.

Mr. Manzullo.

Mr. MANZULLO. No.

Mr. GARON. Mr. Manzullo votes no.

Mr. Royce.

Mr. ROYCE. No.

Mr. GARON. Mr. Royce votes no.

Mr. King.

Mr. KING. No.

Mr. GARON. Mr. King votes no.

Mr. Kim.

Mr. KIM. No.

Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.
Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Could the Chair just recognize Mr. Hyde to vote. I think he has another vote. Since we don't have proxy voting, I think we are holding him up.
Chairman GILMAN. Without objection.
Mr. GARON. Mr. Hyde.
Mr. HYDE. Mr. Hyde votes no.
Mr. GEJDENSON. I thought we would have got you for that.
Mr. HYDE. Halfheartedly.
Mr. GARON. Mr. Gejdenson.
Mr. GEJDENSON. Votes aye.
Mr. GARON. Mr. Gejdenson votes aye.
Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Lantos votes aye.
Mr. Torricelli.
Mr. TORRICELLI. Aye.
Mr. GARON. Mr. Torricelli votes aye.
Mr. Berman.
[No response.]
Mr. GARON. Mr. Ackerman.
Mr. ACKERMAN. Aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. Johnston.
[No response.]
Mr. GARON. Mr. Engel.
Mr. ENGEL. Aye.
Mr. GARON. Mr. Engel votes aye.
Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
Mr. MARTINEZ. Aye.
Mr. GARON. Mr. Martinez votes aye.
Mr. Payne.
Mr. PAYNE. Aye.

Mr. GARON. Mr. Payne votes aye.
Mr. Andrews.
Mr. ANDREWS. Aye.
Mr. GARON. Mr. Andrews votes aye.
Mr. Menendez.
Mr. MENENDEZ. Aye.
Mr. GARON. Mr. Menendez votes aye.
Mr. Brown.
Mr. BROWN. Aye.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.
Ms. MCKINNEY. Aye.
Mr. GARON. Ms. McKinney votes aye.
Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.
Mr. MCNULTY. Aye.
Mr. GARON. Mr. McNulty votes aye.
Mr. Moran.
[No response.]
Mr. GARON. Mr. Johnston.
Mr. JOHNSTON. How am I recorded?
Mr. GARON. You are not recorded.
Mr. JOHNSTON. Yes, please.
Mr. GARON. Any Members that have not been recorded?
Chairman GILMAN. The clerk will report the tally.
Mr. GARON. On this vote, the ayes are 16, the noes are 22.
Chairman GILMAN. And the amendment is not agreed to.
The clerk will proceed with the next section.
Mr. ACKERMAN. Mr. Chairman.
Chairman GILMAN. Mr. Ackerman.
Mr. ACKERMAN. As I recall, the Chair promised a ruling on closing off debate and stated that it would take place after this roll call was completed.
Chairman GILMAN. Does the gentleman have a particular request of the Chair?
Mr. ACKERMAN. Yes, I did, Mr. Chairman, but what you have done has obviated the necessity to close off debate by already having the vote and making a decision before a determination was made as to whether or not you wanted to debate further, therefore, ending the right of the Minority to fully express its views.
Chairman GILMAN. As I stated to the Chairman, we did not hear your request.
Mr. ACKERMAN. I am no longer the Chairman, Mr. Chairman.
Chairman GILMAN. The ranking member in his committee.
Mr. ACKERMAN. Regretfully, but nonetheless.
Chairman GILMAN. As the Chair indicated, we did not hear your request, the roll call was under way, so it was inappropriate at that time to address an appeal.
What is the gentleman's request at this time?

Mr. ACKERMAN. The gentleman's request is to please make sure that the microphones are working properly so that the requests of the Minority might be heard.

Chairman GILMAN. We will be pleased to address that.

Mr. ACKERMAN. Thank you very much.

Chairman GILMAN. The clerk will proceed with the next section.

Mr. GARON. Section 304. Reports.

Chairman GILMAN. Any amendments with regard to the section 304?

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Yes, Mr. Ackerman.

Mr. ACKERMAN. With unanimous consent, may we stay with 303?

Mr. BURTON. I object.

Chairman GILMAN. We have already addressed section 303. Does the gentleman wish to return to section 303?

Mr. ACKERMAN. Yes, I wish to return to section 303. I have a question.

Chairman GILMAN. Is there a unanimous request to return to section 303.

Mr. BURTON. I object.

Mr. ROTH. I object.

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Yes, Mr. Ackerman.

Mr. ACKERMAN. I move that the committee return to section 303.

Chairman GILMAN. But motion is not in order. The clerk will read the next section.

Mr. GARON. Section 401, limitation on expenditure of Department of Defense funds for U.S. forces placed under command or operational control of a foreign national acting on behalf of the United Nations.

Mr. HAMILTON. Mr. Chairman.

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. Mr. Chairman, I have two amendments, one to section 401, the other to section 402 that address the same issue, and I would ask unanimous consent that the two be considered en bloc.

Chairman GILMAN. Without objection.

Mr. BURTON. Parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. The gentleman is recognized for his inquiry. Mr. Burton.

Mr. BURTON. Are these amendments in writing?

Chairman GILMAN. Will the clerks distribute the amendments, please.

Mr. BURTON. I thank the chairman.

Chairman GILMAN. Mr. Hamilton.

Will the clerk report the amendments.

Mr. HAMILTON. Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the record.

Chairman GILMAN. Without objection.

[The amendments appear in the appendix.]

HR7\028

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON

On page 22, strike line 14 and all that follows through line 20 and insert in lieu thereof the following:

"(f) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States.".

On page 23, strike line 1 and all that follows through line 10.

On page 23, line 11, strike "(c)" and insert in lieu thereof "(b)".

On page 29, strike line 10 and all that follows through line 24 and insert in lieu thereof the following:

"(f) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States.".

On page 30, line 1, strike "(c)" and insert in lieu thereof "(b)".

Mr. GILMAN. The gentleman is recognized for 5 minutes.

Mr. HAMILTON. Thank you, Mr. Chairman.

Sections 401 and 402 prohibit the foreign command and control of U.S. troops in any Chapter VI or Chapter VII U.N. operation unless the President certifies and reports to Congress 15 days in advance on a great variety of issues. My amendment simply reasserts the constitutional authority of the President as the Commander in Chief.

It strikes the current interpretation subsections of sections 401 and 402——

Chairman GILMAN. If the gentleman would yield, would you please clarify which amendment you are referring to?

Mr. HAMILTON. I am speaking in support of both amendments, since they address the same question under sections 401 and 402.

Chairman GILMAN. I thank the gentleman for his clarification.

Mr. HAMILTON. All right.

Chairman GILMAN. The gentleman will proceed.

Mr. HAMILTON. What the amendment does is strike the current interpretations of sections 401 and 402 and adds the language restating the authority of the President as Commander in Chief under the Constitution.

It also strikes the requirement that, before the President may submit any certification to Congress, he must submit a memorandum of legal points and authorities explaining why he can make decisions about where and how to deploy troops.

Now, let me indicate that sections 401 and 402 are very complicated sections because they deal with the whole question of command and control. I cannot remember a time when this committee has ever addressed this question. It is a very complicated matter, even when the command and control issue is solely confined to U.S. forces. When you move it into the international arena, then command and control becomes very, very complicated.

We have no expertise here, yet we are drafting in the bill before us detailed instructions with regard to command and control. It is an enormously complex area. Peacekeeping operations and activities can vary tremendously, and we cannot predict what kinds of peacekeeping operations we are going to be called upon to address in the future.

As written, what 401 and 402 do, is fence off foreign command of U.S. troops in any future U.N. peacekeeping operation, but you accept or grandfather U.S. troops currently serving under U.N. command.

Now, I think it is quite clear that the majority has had problems coming up with the language here, and I can understand why. It is a tough subject. The original contract had no exceptions; the January 4 version excepted Macedonia; the January 26 version excepts Croatia. This is almost a classic example of micromanagement by the Congress in an area, quite frankly, where this committee has no expertise. We really shouldn't be getting into it.

In this legislation we are trying to specify command and control powers, which is going beyond our expertise and getting into micromanagement. That is precisely what former Secretary Baker

warned us against. And by the changes that you have made, you obviously have had difficulty with this issue yourselves.

I think the Congress shares with the President a role in deciding when U.S. troops should be sent into combat abroad. What my amendments do is seek to make clear what I think the title confuses. We have a President; he is the Commander in Chief. We have our job to do, and that job is not to micromanage and try to predict the multitude of peacekeeping situations that are bound to arise in the years ahead of us.

Just look at the 17 peacekeeping operations around the world today and see the variety of those circumstances. We cannot possibly put into an amendment all of the circumstances that might occur for U.S. forces, so what my amendments try to do is leave your language as it is for guidance, but reassert the fundamental constitutional power of the President as Commander in Chief. That is all that it does, reassert the constitutional authority of the President.

Chairman GILMAN. The gentleman's time has expired.

Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

I would say to the ranking member that we would be able to accept the gentleman's amendment, but we really see no reason why lines 14 and 20 should be eliminated in the process. We agree with the substance of what the gentleman is saying regarding the constitutional powers of the President as itemized in his amendment.

I would say to the gentleman from Indiana, would it be possible, therefore, for you to consider the following request which I would make in the form of a unanimous consent request: That the gentleman's language be inserted as appropriate for sections as Subsection (7), and that the current language between line 14 and 20 remain in fact in the bill but relabeled Subsection (G).

I would yield to the gentleman for an inquiry if that would be an acceptable unanimous consent to the gentleman?

Mr. HAMILTON. The gentleman——

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. I thank the gentleman, and I appreciate the gentleman's inquiry. I think you want to retain the interpretation language basically; is that correct?

Mr. BEREUTER. That is correct, but insert yours before it.

Mr. HAMILTON. I really do not think I can accept the gentleman's recommendation, and I know it is made in a good spirit, but what my amendment does is strike language that restricts a President from acting. For example, it says that nothing contained in this act shall be construed as congressional authorization for the President to make available to the U.N. Security Council U.S. armed forces, facilities and assistance. I just don't want to restrict the President.

Mr. BEREUTER. Just reclaiming my time briefly for purposes of discussion here. It is not a prohibition, you understand, that we are putting in here. It is a statement that we are granting nothing additional. I would yield back to the gentleman for his reaction.

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. I think the view that we have here is that that is the authority that the President already has.

Mr. BEREUTER. That may be the case, and if that is the case, then it seems to me there is nothing in contravention with what we are proposing. We are not additionally granting any authority to the President inadvertently by our action, that is what we are concerned about.

I would yield back to the gentleman if he has a reaction.

Mr. HAMILTON. May I ask the administration for comments on this question. Do we have somebody?

Ms. SHERMAN. Yes, I think—Wendy Sherman.

Mr. BEREUTER. I would yield to the gentlelady.

Chairman GILMAN. Speak into the mike, please.

Ms. SHERMAN. Sorry. Wendy Sherman, Assistant Secretary of State for Legislative Affairs. What I think would probably be most useful for the committee is we have Stephen Preston, the principal deputy of the General Counsel's Office of the Office of the Secretary of Defense, and in addition we have the chairman's legal counsel, Commander Michael Lohr, of the Joint Staff. And I think it would probably be useful for the committee to hear from them and then I may have some additional comments.

Mr. BEREUTER. Would it be on the specific subject we have before us?

Ms. SHERMAN. Absolutely.

Chairman GILMAN. Would the gentleman please identify himself.

Mr. PRESTON. My name is Stephen Preston. I am the Principal Deputy General Counsel at the Department of Defense.

Chairman GILMAN. Please proceed.

Mr. PRESTON. The Department of Defense supports the amendment offered by Mr. Hamilton. Without the amendment, there are serious constitutional concerns we have with the provision in that it trenches upon the authority and the responsibility of the President as Commander in Chief to establish and regulate the command relationships over U.S. forces.

Mr. BEREUTER. I would say to the gentleman, just in intervention here briefly, we understand that. I think we are in agreement with that. Now the question is, is there anything in the language of 14 through 20 which is in contravention to the acceptance of Mr. Hamilton's amendment. What we are concerned about is that we are not granting additional authority in this act beyond the constitutional requirements, the constitutional prerogatives of the President.

I would yield back to the gentleman for his comment if he understands. We have no disagreement with the essence of what Mr. Hamilton is attempting to do to reassert the President's constitutional prerogatives.

Mr. PRESTON. If I might have a moment, sir.

Mr. BEREUTER. Yes, please.

Chairman GILMAN. While there is a consultation, I am going to ask counsel to indicate what the purpose of this interpretation of the section is on page 22, lines 14 through 20.

Mr. RADEMAKER. Yes, sir, Mr. Chairman.

The Section 401 sets forth in the first instance a prohibition on placing U.S. armed forces under the command of foreign nationals in United Nations peacekeeping operations. Now, in addition to the prohibition, there are exceptions to the prohibition, instances in

which the prohibition does not apply. One example of that would be an instance in which a President submitted a certification as provided in Section 401.

The purpose of the interpretation subsection, which is lines 14 through 20 on page 22, is to eliminate any suggestion that might be drawn, for example, from the Presidential certification procedure that the Congress, in enacting Section 401, is intending to grant the President authority to subordinate U.S. forces to foreign command in United Nations peacekeeping operations.

The President, resting on his constitutional authority, either has authority to subordinate U.S. forces to foreign command and peacekeeping operations or he does not, and that is one of the issues, for instance, that is raised by the war powers resolution. The statement here that this statute conveys no additional authority beyond what the President has under the Constitution is intended merely to make clear that this is not a grant of any authority he does not already have.

Mr. PRESTON. Let me see if I can clarify then. We support the Hamilton amendment as written. However, on the point presented by Mr. Bereuter, and as counsel has pointed out, if the language in current Section (F) is properly interpreted as merely establishing that this section doesn't affirmatively grant any additional authorities, then the Hamilton language with respect to recognizing the President's constitutional authority, if that were added, as I said we would prefer that alone. But in conjunction with this, I think it would accomplish the purpose that Mr. Hamilton is seeking.

Mr. BEREUTER. Mr. Chairman, if I may continue, and I thank the gentleman for his comments and for all the assistance here. I would renew my question and make it in the form of a unanimous consent request.

I would ask unanimous consent that lines 1 through 6 of Mr. Hamilton's amendment in fact be incorporated as Subsection (7), and that the provisions which are now found on line 14 through 20 of page 22 be renumbered accordingly with the understanding just given by the gentleman from the Defense Department, and I make that unanimous consent request.

Chairman GILMAN. Mr. Hamilton.

Is there objection to the proposed amendment?

Mr. HAMILTON. I think the counsel is misconstruing the Bereuter suggestion, and yet, since you have construed it that way, it is difficult for me to sustain it, and I think I am inclined to accept Mr. Bereuter's suggestion.

But let me just say for the record that what the interpretive language does is restricts the Commander in Chief's powers and I don't think there is any reason to do that. The Commander in Chief clause of the Constitution ought to stand, and we ought not to have interpretive language saying what the Commander in Chief's power is.

Now, you have accepted it, and that puts me in a difficult position, and yet I don't think I agree with your interpretation.

Chairman GILMAN. Mr. Hamilton withdraws his objection?

Mr. HAMILTON. Let me hear from the counsel, if I may, please.

Mrs. MEYERS. Mr. Chairman, could I ask a question, please.

Chairman GILMAN. The gentlelady is recognized.

Mrs. MEYERS. Maybe there is something here that I am missing, but you are talking about restricting the powers of the President in command. There are already restrictions on the President in command. Everybody from a second lieutenant on up has to be approved by the Senate before they can be appointed to command in our own armed forces.

I wonder if maybe we are not dealing with something here where we already have congressional involvement. Certainly if Congress has to approve everyone from a second lieutenant on up in our own armed forces, then just saying that anyone from a foreign nation can command our forces is unusual. I would like to have some comment on that also.

Chairman GILMAN. Ms. Sherman.

Ms. SHERMAN. If I may, Mr. Chairman, on both points, first on Congresswoman Meyers' point, those steps that the Congress takes are to promote someone, and that is on the qualification of the individuals for promotion just as the Senate might confirm a person into a particular position, so I think it actually is not part of what is under discussion here, which is about the command and control structure of the United States. I understand your point, but as someone—as one of your colleagues said earlier, I think it is, with all due respect, mixing apples and oranges.

Mrs. MEYERS. I would yield to Mr. Burton.

Mr. BURTON. I think the point the lady is trying to make is that there is oversight exercised by the U.S. Senate like there is in confirmation hearings, and the reason for that oversight is to make sure that we have competent people in competent positions.

Now when you are talking about foreign command, we have no control over whether a general is competent or not. And one of the concerns of the Majority in this Congress is that we want to make sure if young American lives are at risk, that the commander who is commanding them is competent, and there is no control over that.

Now, we do have control in the U.S. Senate because we confirm everybody from second lieutenant up, and I think she makes a very, very valid point.

Ms. SHERMAN. Let me, if I may, go to the heart of what is being discussed here. First of all, there is a policy in this administration known to most of you as PD–25. The President of the United States never relinquishes command authority over American military forces. I think it is very critical that that be on the record.

U.S. forces under the operational control of the U.N. have the capability to report independently to U.S. commanders, the United States retains the right to withdraw forces at its discretion and to take any actions necessary to protect those forces, and U.S. forces always remain under U.S. administrative control for purposes of pay, evaluation, and discipline.

So the underlying issue, I just want to be on the record what the policy of this administration is and to go to Mr. Hamilton's inquiry, what the counsel was saying, and he may reiterate because I want to make sure it is very clear—counsel is not used to coming in front of the U.S. Congress—we absolutely, positively prefer Mr. Hamilton for the exact reason that Mr. Hamilton says, and strongly prefer it, and that is that although technically you are right, Mr. Be-

reuter, that this is an affirmative statement, it does go to undermine the essential constitutional responsibility of the Commander in Chief, and as such it could be interpreted and seen by the public as a derogation of the President's power of Commander in Chief.

So he was giving you a technical-legal answer, but we all know that the world does not operate in technical-legal terms, it operates in the terms of the debate in front of the American public, and I think it is quite critical.

Chairman GILMAN. Ms. Sherman, do you disagree with counsel from Department of Defense?

Ms. SHERMAN. I will let counsel speak for himself.

Chairman GILMAN. No, I am asking you. Do you disagree with his interpretation?

Ms. SHERMAN. We are in absolute agreement. I do not disagree with his point that technically——

Chairman GILMAN. Well, we are dealing with a very—with legal substance here, we are dealing with some very specific language. I am asking you, do you disagree with counsel's opinion that keeping the interpretation clause in the legislation does not do any harm to Mr. Hamilton's amendment?

Ms. SHERMAN. What I think counsel said, and he may say it again in his own words——

Chairman GILMAN. I am asking you for your opinion now.

Ms. SHERMAN. I do not disagree with him because I think we are saying the same thing. He did not say that he thought that Mr. Bereuter's substitute or his putting these two amendments together was fine and everything we would want.

Chairman GILMAN. We are asking, are they inconsistent, and that is what I am asking you, Ms. Sherman, do you feel they are inconsistent?

Mr. PRESTON. Mr. Chairman, I want to make clear that I am in complete agreement with my colleague from State and with Mr. Hamilton. As I said, and perhaps I should emphasize it, the Department prefers the language of the Hamilton amendment unchanged.

The only point I was trying to make was that as the gentleman and the counsel have pointed out, if this language were interpreted or were thought to pose no restriction whatsoever nor to imply that affirmative authority was required, then the Hamilton language would operate as Mr. Hamilton intends in my view.

Chairman GILMAN. What you are saying is then, if the interpretation clause is left in with the Hamilton amendment, that there is no inconsistency between both of them, that is the inquiry that was addressed.

Mr. HAMILTON. Mr. Chairman.

Chairman GILMAN. That was suggested by Mr. Bereuter.

Mr. HAMILTON.

Mr. HAMILTON. Let me try to just express my concern here. I do not want to diminish or to dilute the Commander in Chief's power, and I don't really think I have any difference of opinion with my colleagues on the Majority side.

The language in this interpretation section, though, says this: Nothing in this section may be construed as authority for the Presi-

dent to place any element of the armed forces under the command or operational control of a foreign national.

Now, that language can be construed, could be argued as a limitation on the President's Commander in Chief powers, and that is what I am concerned about. If I may ask Mr. Bereuter, we are pretty close. Could you and I work on this language—you have accepted part of my amendment as I understood you, Mr. Bereuter—and see if we can come to closure on interpreting this section?

Mr. BEREUTER. If the gentleman would yield.

Chairman GILMAN. I would be pleased to yield to the gentleman.

Mr. BEREUTER. I am certain we could work together on this. I think we do need to consider how the report which you also strike on page 23 would fit into this arrangement. I am confident that we have no basic disagreement, and I am confident we have no disagreement with your reassertion of the President's constitutional prerogatives as you explain them on lines 1 through 6 of your amendment.

Mr. HAMILTON. Mr. Chairman, then I would just ask, if it is all right with Mr. Bereuter, to reserve until the end of the markup to give us an opportunity to work through this.

Mr. BURTON. Would the gentleman yield, Mr. Hamilton?

Chairman GILMAN. I would be pleased to recognize you.

Mr. BURTON. Since it seems that on both sides of the aisle we have agreement, we just are concerned about putting troops under foreign command, could we change the language to say it is the sense of Congress? I think if we put that language in there, it is not binding in any way upon the President, but it does show the concerns of Congress about putting U.S. troops under foreign command.

Mr. HAMILTON. Mr. Burton, we will be happy to consider that. I don't want to try to come to a closure on this language right at the moment, but you clearly put forth an option that might be acceptable.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. Move to strike the requisite number of words.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. GEJDENSON. If the two witnesses, the folks representing the administration, could stay up there, both return, I have got just a couple quick questions; one, just to close on this discussion, it is my understanding basically you said if the language in the text has no meaning, then you don't have a problem with it, if the language doesn't change the President's authority in any way, that would give you no problem?

Mr. PRESTON. That is correct, sir.

Mr. GEJDENSON. Let me then say, if the language has no effect and has no meaning, then we don't need the language, would you agree with that statement?

Mr. PRESTON. I would. I believe my colleague would.

Mr. GEJDENSON. Thank you. Let me ask another question.

Chairman GILMAN. You are not allowing the witness to respond.

Mr. GEJDENSON. If the chairman wants to question the witness, I will be happy to yield to the chairman some time. I am trying to use my limited time to get to the questions. I would like to go

through what we are doing here in general again because I think that while, for people listening, sometimes the technical debate seems awfully complicated.

The reality of what we are doing to me is very frightening. The President, I think, in one of his greatest foreign policy successes, although since it didn't cost bloodshed, we don't hear about it much, is what happened in Macedonia. The President was able to quickly move forces, American forces with the United Nations into Macedonia to prevent Macedonia from being engulfed in the carnage that is going on in the rest of the former Yugoslavian territory.

Now, it is my understanding that in this draft it excludes the existing presence of troops in Macedonia. It seems to me that is a recognition from the Majority that it was a good policy, it was a policy that worked, and it is a policy that we want to continue.

What would happen without Mr. Hamilton's language, as the language sits before you now, what would the President of the United States have to do to be able to move forces into Macedonia had this legislation been in effect?

Ms. SHERMAN. The way that we currently read this latest mark-up, which I apologize we did not see amendments until last night and we didn't get the bill until we were sitting here so we are doing the best we can, this language, as it is written, would require us to define unilateral rules of engagement or the President would have to come here and get certification before he could declare that we would operate in this way, and both of these things would be prohibitive.

We obviously can't establish unilateral terms in the way that this is written. We would not have been able to—the President would not have been able to act rapidly to send our forces as part of the effort in Macedonia.

Mr. GEJDENSON. So, for instance, if Congress was run as efficiently as it is run by the new Majority and we actually adjourn on August 4th and the President was in the midst of negotiations with other U.N. member nations a force to go into Macedonia, and the Congress went into recess until post–Labor Day, immediately the administration would either have to call the Congress back or wait until the middle of September to then start debating in the House and the Senate approval of the President participating with other nations within the U.N. to prevent Macedonia, the former republic, the former Yugoslavian Republic of Macedonia from being engulfed in the battle that exists in the rest of Macedonia, so we have a minimum of a six- or eight-week delay before we would even get to debate the issue.

Ms. SHERMAN. There may be in here some way to cope with this, but I have not found it yet. I would agree with the Congressman in the way that we are reading this. If there is something we are not understanding here, then someone should tell us. But the way we currently read this, with the additions that were put on last night, the gentleman is correct.

Chairman GILMAN. The gentleman's time has expired.

I recognize Mr. Bereuter for a unanimous consent request.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that Mr. Hamilton's amendments to section 401 and 402 be deferred until

the end of the markup so that we might see if we have some potential for working agreement, but that in any case all Mr. Hamilton's or his designee's prerogatives be fully protected.

Chairman GILMAN. Without objection, the amendment is laid aside.

Mr. HAMILTON. I thank the gentleman.

Chairman GILMAN. Thank you, Mr. Hamilton.

Mr. PAYNE. Mr. Chairman, move to strike the last word.

Chairman GILMAN. Mr. Payne.

Mr. PAYNE. Am I to understand we are moving from this section now to a new section?

Chairman GILMAN. We are still on section 401.

Mr. PAYNE. Okay, fine. I have a comment I want to make, but we can—on command and control, but I could wait until the amendments have been put in.

Chairman GILMAN. Any additional amendments?

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. I have two amendments at the desk.

Chairman GILMAN. Would the clerks please distribute the amendments.

Mr. ACKERMAN. Ask unanimous consent that they be considered en bloc.

Mr. BURTON. Reserving the right to object, can we look at these.

Chairman GILMAN. Would the gentleman withhold until we have an opportunity to look at it.

Would the gentleman indicate which amendment he wishes to be considered? We have two amendments being distributed.

Mr. ACKERMAN. The one that begins, Mr. Chairman, on page 29, after line 9, insert the following subsection, and the one that begins on page 22, after line 13.

Chairman GILMAN. Those are two amendments. You are addressing two sections. Which?

Mr. ACKERMAN. I have asked unanimous consent that they be considered en bloc, Mr. Chairman.

Chairman GILMAN. Is there objection to considering these amendments en bloc? If there is no objection, the clerk will read the amendment.

Mr. GARON. The amendment in the nature of a substitute offered by Mr. Ackerman, page 22 after line 13, insert the following subsection, after the exception for small forces, the section does not apply——

Mr. HAMILTON. I ask unanimous consent the amendments be considered as read.

Chairman GILMAN. The amendments will be considered as read, without objection.

[Amendments follows:]

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ACKERMAN

On page 22, after line 13, insert the following subsection:

"(f) EXCEPTION FOR SMALL FORCES.---This section does not apply in a case in which fewer than 50 members of the armed forces are participating in a particular United Nations operation or activity."

On page 22, line 14 strike "(f)" and insert in lieu thereof "(g)".

On page 29, after line 9, insert the following subsection:

"(g) EXCEPTION FOR SMALL FORCES.---This section does not apply in a case in which fewer than 50 members of the armed forces are participating in a particular United Nations operation or activity."

On page 29, line 10 strike "(g)" and insert in lieu thereof "(h)".

Mr. ACKERMAN. Thank you very much. Am I recognized, Mr. Chairman?

Chairman GILMAN. The gentleman is recognized for five minutes.

Mr. ACKERMAN. Mr. Chairman, these two former paragraphs had been deleted to the amendment in the form of a substitute, and I am not certain why. These were originally part of the Contract when last we saw it, and somehow they were deleted.

I thought despite the fact that I disagreed in principle with the original premise that this exception which was originally in the Contract was certainly appropriate, and it is an exception for small forces which are defined as forces of under 50. Suddenly this is no longer part of the Contract, and I assume that it was an attempt either at fine tuning or that there has been some change in policy or a codicil to the Contract that we didn't know about.

Mr. BURTON. Would the gentleman yield?

Mr. ACKERMAN. If I can just wait to make sure that I have enough time because I want to make sure that I am heard, and then I would be delighted to yield to my friend from Indiana.

The section that has been deleted in both places is the exception for small forces of under 50. And I would just like to call to the attention of our colleagues that there are not a great number of these, there is a limited number of them. I will cite briefly three of the few that there are. One of them is recent, it is UNAMIG in Georgia, and there are four U.S. military people involved.

The other one is UNACOM, which was established in 1991. It is a U.N. force that has 15 U.S. servicemen, and that is monitoring the Iraq–Kuwait dispute.

And the third one is UNSO, which is a small force participated in by 16 U.S. servicemen. This force was established with a mandate of indefinite duration to supervise the truce in the Arab-Jewish hostilities called for by the Security Council, and I say Arab-Jewish because it wasn't even Arab-Israeli then because this was done at the end of the British mandate in Palestine, and they have performed a variety of tasks since then, including assisting in UNOFIL and UNDOF, and there are 20 countries that participate in this.

I think that it would be a tragic mistake and I believe that it is just an inadvertency in eliminating this exception for these small forces, and it would be a very bad signal, especially during this time of the peace process and the tenuous condition that it is in——

Chairman GILMAN. The gentleman's time has expired.

Mr. ACKERMAN [continuing]. To put U.S. troops out of this.

Chairman GILMAN. I would be pleased to recognize Mr. Goodling.

Mr. GOODLING. Thank you for recognizing me, Mr. Chairman.

I think this is the most important part of the entire piece of legislation. Every life is a very valuable life. The American people expect us to do everything we possibly can do to protect those young men and those young women that we send around the world. We should not be in the business of sending out our young people as trip wires.

Ambassador Kirkpatrick talked about this. I talked about it for a long, long time. They are trip wires. They are out there ready to be slaughtered either in a terrorist activity or simply because there

is no way to protect them, and it seems to me, you know, to arbitrarily say less than 50, we don't care whether they are not protected, we don't care whether they have a chance of surviving, we are just going to throw them out there as a trip wire.

Now, in the legislation, the President has an opportunity to act differently and to send less than 50 if he meets the criteria that is in the legislation, so he has an out, but I surely don't believe that we should say that we will send a group of young men and women out as a trip wire with very little concern about their protection. I just think it is a tragedy. I think this is the most important part of this entire piece of legislation.

Mr. HASTINGS. Mr. Chairman.

Chairman GILMAN. Who is seeking recognition?

Mr. HASTINGS. I seek recognition and I move to strike the last word.

Chairman GILMAN. Mr. Hastings is recognized for five minutes.

Mr. HASTINGS. Mr. Chairman, following up what my colleague from New York offered in the way of small troop ongoing matters. In the Western Sahara and Mozambique, there are also less than 50 troops. What is troubling, it seems that the authors of this provision are having trouble making up their minds on the issue of foreign command and control.

In October, Mr. Chairman, the Contract contained no exemption from the prohibition on foreign command for small numbers of U.S. troops serving in United Nations peacekeeping operations such as the ones identified by the gentleman from New York in Kuwait and the Middle East. In the January 4th version, H.R. 7 exemptions were inserted for small units and the Macedonia operation. In the January 26th substitute version, the small unit exception is gone, and Macedonia is still exempted, and an exemption for Zagreb is added.

It seems to me that these changing targets reflect exactly why we should not be writing ironclad rules on this issue.

Mr. Chairman, the world is a changing place, and we can't write bills fast enough to keep up with it. There are other flaws in the language on 401 and 402, and they raise serious constitutional implications, and I would urge that we carefully proceed on this matter.

Thank you, Mr. Chairman.

Chairman GILMAN. Are there further comments with regard——

Mr. HAMILTON. Mr. Chairman, may I ask the administration to comment on the Ackerman amendment, please.

Chairman GILMAN. The gentleman from Indiana is recognized for five minutes.

Ms. SHERMAN. We find the gentleman's amendment to add back in the exception for 50 an extraordinarily useful amendment. Let me give the committee an example of what, without that exception, we have to face. We sent five of our forces to Mozambique to work on logistics. That was a five-month operation.

With all due respect to the United States Congress, which I love and care about deeply, that is why I spend all my time up here, you would probably take five months before we ever got permission to send those five logistical staff if we had to go through the process that is in this legislation.

Secondly, the point that the gentleman made about—Mr. Goodling made about how much we value American lives, I can assure you that the President of the United States, the Secretary of Defense, and the Secretary of State, and every other member of this administration values every American life as much as any member of this Congress, and yet we cannot—we would urge you not to micromanage us because, right now, obviously, we send military attaches to Sarajevo, and if you start down this path, the next amendment will be that before we can send a military attache into a difficult situation, a Marine guard to a United States embassy, that we will have to get permission from the United States Congress.

I understand that you see peacekeeping operations in a different light, but nonetheless, there are many circumstances where the United States has a capacity, particularly in logistical matters, to supply an expertise that no other nation in this world has. And with all due respect, the speed at which the Congress sometimes operates, or during a recess when you may not even be here, you are totally tying the hands of the President of the United States.

So we very much support what the original two versions of the Contract had, which was this exception for deployments of 50 and under, which we thought was a very useful addition. We are quite perplexed because I know in discussions with Ambassador Albright and with others in the administration, people were quite supportive of this. We were quite amazed and distressed when this was omitted from this latest draft, so we would urge very much that it be reinserted.

Thank you.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. The gentleman from Indiana has the time.

Mr. HAMILTON. I yield to the gentleman.

Mr. GEJDENSON. Thank you, Mr. Ranking Member. Thank you, Mr. Chairman. I would like to ask a question of Mr. Goodling.

In the years that we have had these small units, not large military operations, under the U.N. like Desert Storm or in other large military, but in places where we have had small units, 50 or so Americans or less, can you tell me how many American lives have been lost in the last, you know, 50 years.

Mr. GOODLING. I don't have the numbers in front of me. I don't know how many were lost in the past, I want to make sure none are lost in the future. And since we are doing more of this constantly, it seems—first of all, the President has a certification policy. All he has to do is come up, send them in, come up in 48 hours, and tell us why, so he has all that leeway already.

Mr. GEJDENSON. Except for when Congress is in recess, of course, and then that would create a problem. But it seems to me the record, as I understand it, is that while even one casualty obviously is distressing and something we all want to avoid, I don't believe that the gentleman would have us end America's military force because, having a military force could lead to a casualty, and in the same sense, many of these instances we are able to prevent wider conflicts.

It is my understanding, I don't know if people from the administration know, and again, do you know how many Americans we

have lost from small groups, 50 or less, in these kinds of operations through the years? Is anybody aware of any? I am sure we have lost some.

Ms. SHERMAN. The one that we can think of, 1948, is a long time, the one that we can think of is Colonel Higgins in Lebanon is the only one that comes to mind amongst us sitting here.

I think the other point that one of our counsel made to me that is important here is to address Mr. Goodling's point, this amendment does not allow—not having this amendment would not allow us to send any American forces under any foreign nationals when it is a U.N. operation, but I don't think lives are any less important if we send them in any other circumstances, let's say in a NATO operation.

And so I think that—I am not encouraging you to then go in that direction and put that prohibition on as well, I am just saying that going back to the fundamental point here, I think that Mr. Gejdenson's point is well-founded, there has been, as you say, every life matters and counts, there would be no one that would disagree with you, but generally it has been a very strong record.

Mr. KIM. May I seek recognition for asking one simple question?

Chairman GILMAN. Mr. Kim is recognized.

Mr. KIM. Forty to 50 members, the numbers are a little puzzling. Is that an arbitrary number or do you have some——

Mr. GEJDENSON. Will the gentleman yield?

Mr. KIM. Just a minute.

Mr. GEJDENSON. I can answer the question for you.

Mr. KIM. I was recognized by the Chairman, so I have the floor. Let me yield back to you as soon as I finish my question.

Chairman GILMAN. The gentleman has the floor. Proceed.

Mr. KIM. Going back again to this number 50. Do you have any statistical information to justify this number? Why not 40, why not 70?

Ms. SHERMAN. Well, I think, Congressman, we would like it to be as large as possible, and I think that 50 was the number that members and, quite frankly, the Republicans, the Majority had originally put in the legislation, so the number 50 was your number, not ours.

Mr. KIM. I understand, all right. I understand now.

Mr. ACKERMAN. Would my friend care to yield to me?

Mr. GOODLING. Would the gentleman yield?

Mr. KIM. Yes, I yield.

Mr. GOODLING. Yes, the answer is yes, it is an arbitrary number, and I object to an arbitrary number.

Mr. ACKERMAN. Would the gentleman yield to me?

Mr. GOODLING. Let me tell you, one of the things we should try to do, it seems to me, is learn from the mistakes in Somalia, for instance, a specific mission, a specific force to handle that mission, and then all of a sudden the mission changes.

Now, the President says it was the United Nations who changed the mission and he didn't know about that, but nevertheless, we at the time downsized our forces, and then changed the mission to chasing warlords. That was not the mission initially, so what I would like to make very, very sure is that we don't have an arbi-

trary number out there because, as I said, we have to make sure that we don't have a few out there as a trip wire.

Generally when we have a few of that nature, we do more harm than we do good because, 9 times out of 10, we cause the terrorist action then just because we have a small force or a small representation in that country. So I continue to believe that it is probably the most important part of this legislation, and I think it has a lot to say in relationship to how serious we are about protecting our young men and our young women when we send them abroad.

Ambassador Kirkpatrick made it pretty clear that she believed the arbitrary number was wrong, and she believed that this did just what I said, encourages terrorism, and that they are a trip wire force, and I think we should really deal with it.

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Mr. Ackerman to close debate.

Mr. GEJDENSON. Wait a minute, Ben, you can't——

Mr. ACKERMAN. Mr. Chairman, thank you for recognizing me. I have not sought recognition to close the debate, but merely to. Speak, I think there are some others who want to speak after me.

But allow me to say this, the question that has arisen on the Majority side is, is this an arbitrary number, and the answer given by the Majority side was yes, it is an arbitrary number and we shouldn't have arbitrary numbers. But the reason that this arbitrary number exists in my amendment is because it existed in your contract.

You picked this number. The only thing I am doing with this amendment is restoring the original language of the Contract that the Republican party in H.R. 7 has with the American people. It is your exact language. I am at a total loss, totally bewildered as to why you have this language in one minute and then arbitrarily take it out the next.

If it was so important——

Mr. BEREUTER. Would the gentleman yield?

Mr. ACKERMAN. If it was so important to have it in initially, then it should be important to have it in now.

Mr. BEREUTER. Will the gentleman yield?

Mr. ACKERMAN. I would like to not at this point, but I believe that I would like to hear from Ms. Sherman.

Ms. SHERMAN. What I would like to do, if I may, Congressman, is we have a commander here from the Joint Staff who I think will be able to address some of the issues that have been raised and might be able to provide useful information.

I think it is important for folks to know that that number is not without some substance in the sense that observer missions tend to be 50 and under, Cambodia was 49, and then generally, when you jump up to other situations, you jump up significantly to the 200 or more.

Secondly, just a point of information before I turn it to the commander, if I may. Our combat forces in Somalia were rangers, they were not under U.N. command or control, they were U.S. forces under U.S. command.

Commander.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. The gentleman is recognized.

Mr. GEJDENSON. Speaking in favor of the gentleman's motion. Oh, I am sorry.

Mr. ACKERMAN. If you might hold off, Mr. Gejdenson, for the commander to speak.

Commander LOHR. Commander Mike Lohr from the chairman's Legal Counsel Office on the Joint Chiefs of Staff. I am not sure if I am addressing a specific question here, but in response to the question about the number 50, Ms. Sherman is correct in that most of the smaller monitoring type of peacekeeping missions do normally entail less than 50. So that number is a helpful number to the military in terms of being able to cover a number of typically Chapter VI peacekeeping missions.

Chairman GILMAN. Mr. Gejdenson is recognized for 5 minutes.

Mr. GEJDENSON. Thank you, Mr. Chairman.

Again, I think there is an important point here in the general way the presidency will operate. There is no doubt that if Congress is serious and keeps up the effort, we can tie the President's hands in knots so that he cannot function within the United Nations. And that may be the goal of some people here, but it will not mean that an American President doesn't have issues of national security that we have to take action on, and he will take those actions unilaterally, and that is a much worse situation for Americans to be in.

Mrs. MEYERS. Will the gentleman yield?

Mr. GEJDENSON. I will yield at the end of my statement.

Because in each and every instance it will be an American problem, it will be solely Americans involved, and the rest of the world will not work with us. It is hard enough to get our European allies to be responsible allies in most instances. Most of the time they want to sit on the fence, let us do the work, and then they want to come back and criticize us if there is some hindsight problems.

What the U.N. has enabled us to do is build partnerships where we can try to develop an international foreign policy that deals with America's interests without making it solely an American obligation. The last thing we want to do in this Congress is make each and every international crisis either a situation which the United States fails to take action until the carnage is so large that it moves the American people or that we move in every instance in a unilateral matter.

These aren't just small matters of 50 or 45 or 75, this is whether or not America's foreign policy and the world's crises will be solely an American problem and the dynamics of that situation are that our friends and allies will sit back and watch and they will pounce upon us when there are problems or whether we will work with other nations to make sure that they are responsible and participate in international crises.

For all too long the United States has been the lone financier and the lone provider of personnel to confront communism and the threats to freedom in this world. We are now in the process of building for the first time some other international responsibility, and the proposals that are coming in this legislation will be devastating to our ability to spread that burden, to spread the risk, and thereby we will increase the danger to Americans, we will increase the cost to Americans.

This isn't simply some partisan game we are playing. We are in the process of undoing the little good that has been accomplished by the United Nations. We are not reforming it, we are crippling it, and we are endangering American national security in the process.

Mrs. MEYERS. Mr. Chairman.

Mr. GOODLING. Mr. Chairman, would the gentleman yield?

Mr. GEJDENSON. I would be happy to yield.

Mrs. MEYERS. I have a question, Mr. Chairman.

Mr. GOODLING. Let me say that I know this is not or should not be a partisan——

Mr. GEJDENSON. I yield to the gentlelady first, then I would be happy to yield.

Mrs. MEYERS. I have a question I would like to ask the gentleman. Will you give me an instance of when we have sent in fewer than 50 armed forces.

Commander LOHR. Well, I think the examples given by Congressman Ackerman here are accurate. In Georgia, right now there are only a few American forces involved in that United Nations mission, four. And it is true in Iraq, the monitoring mission there that operates in Kuwait and Iraq to monitor the cease-fire and Iraq's compliance with the Security Council's resolutions, the disarmament resolutions, so there are examples of where we have less than 50 personnel.

Chairman GILMAN. Mr. Goodling.

Mr. GOODLING. Mr. Chairman, I will agree that this certainly should not be a partisan effort. I believe where we are most effective in our peacekeeping is when we supply the funds and the big bad guy, as we are known throughout the world, is in the background.

But I do want to correct what the gentlelady said because the supreme commander was General Beard who was Turkish, and don't shake your head no, that is who the supreme commander was at that particular time of the operation, that was the supreme commander and we were rescued, we were rescued by Malaysian tanks, not American tanks. I think it is very, very clear not to try to use some fuzzy language to indicate what went wrong. I believe, as I said over and over again——

Mr. GEJDENSON. Reclaiming my time for just one moment.

Mr. GOODLING. You don't have the time, I have the time.

Chairman GILMAN. The gentleman has the time.

Mr. GOODLING. I again repeat over and over again that an arbitrary number is not necessary, should not be there, and that we do not tie the hands of the Commander in Chief because he has a procedure to go through in order to make sure that he can do it. Again I emphasize, our effectiveness is primarily when we are paying and very much in the background.

Chairman GILMAN. I would like to advise members, we are going to recess now until 1, we will come back and vote on this measure that is presently before us.

The committee stands in recess.

[Recess.]

Chairman GILMAN. The committee will come to order.

As you will recall, we were on section 401, by amendments by Mr. Ackerman.

Mr. BURTON. Mr. Chairman.

Chairman GILMAN. Mr. Burton.

Mr. BURTON. Mr. Chairman, I move the previous question.

Chairman GILMAN. Mr. Burton has moved the previous question.

Mr. HASTINGS. Mr. Chairman, reserving the right to object, reserving the right to object, and I will not object, but previous to us going in, Mr. Chairman, I just wanted to correct my friend from Indiana, Mr. Goodling, on something regarding General Beard.

I don't know whether Mr. Goodling visited Somalia or not, but Harry Johnson and myself and Don Payne did, and had an opportunity to see that operation, and General Montgomery was in charge of every American soldier there, and that needs to be clearly understood. Quite frankly, General Beard did not undertake to do anything without General Montgomery.

Mr. GOODLING. Would the gentleman yield?

Mr. HASTINGS. Most assuredly.

Mr. GOODLING. The problem with the whole situation there was that nobody knew really who was in command. That was the greatest problem we had and that is what we are trying to talk about here today. They didn't know—half the time the United Nations and NATO Governments were fighting over who has what responsibility all over this globe and no one knows who is in command. And that is my major concern.

Mr. HASTINGS. Reclaiming my time, the only thing I am trying to assert is that there was no time that General Montgomery was not in charge of every American soldier in Somalia.

Mr. ROHRABACHER. Mr. Chairman? Mr. Chairman?

Chairman GILMAN. Who is asking to be recognized?

Mr. ROHRABACHER. Just for a point of information here, we are also talking about broad principles, and the bottom line that people have to understand, while we are looking at the details of this legislation, and the technicalities and technical details are important, there has been a broad consensus that we believe had been reached among the American people that they do not want American soldiers to be under United Nations command or foreign command, and that is what we are trying to address.

We are basically—the Republican party just—we won this election, there has been a change in power; one of the things that we talked about when the American people went to the ballot, this was one of the things they identified with us. And I am not saying that justifies every single piece of legislation we put forward, but it does say that this is the direction we want to take things. That is the purpose for what we are doing and in terms of you may be absolutely right in some of the details that you have brought up today, in terms of the one, especially the one you just brought up. But what we have to look toward is we are trying to change the broad direction of our Government and the broad policy, so I think that——

Mr. GEJDENSON. Will the gentleman yield?

I wanted to talk to him about this the previous time.

Mr. ROHRABACHER. Mr. Chairman, I——

Chairman GILMAN. There is a motion before the committee on the previous question. It is not debatable, and I am asking the clerk to call the roll.

Mr. ACKERMAN. Mr. Chairman, reserving the right to object.

Chairman GILMAN. There is nothing to object to. It is a nondebatable motion to move the previous question.

Mr. ACKERMAN. Parliamentary question, Mr. Chairman.

Does the maker of the motion have the right to close for his side?

Chairman GILMAN. I thought we already did that, Mr. Ackerman. You had that opportunity and it was extensive.

The motion has been made to move the previous question.

I ask the clerk to call the roll.

Those in favor of the question indicate by saying aye.

Those opposed, say no.

Mr. ACKERMAN. Mr. Chairman, I ask for a roll call vote on the previous question.

Chairman GILMAN. This is a vote on the previous question.

Mr. ACKERMAN. Mr. Chairman, I request a rote call vote on the previous question.

Chairman GILMAN. All right.

A roll call vote has been requested on the previous question.

All in favor signify in the usual manner, aye.

Opposed, no.

Chairman GILMAN. The motion is defeated.

Mr. ACKERMAN. Mr. Chairman, I request a recorded vote.

Mr. Chairman, unless everybody in this committee is named either aye or nay, that was not a roll call.

Chairman GILMAN. The vote before——

Mr. ACKERMAN. As I understand it, there is only one Member of Congress named nay, and he is on your side.

Chairman GILMAN. The vote before the committee is on is on the previous question.

All in favor will indicate by saying aye.

Those opposed will say no.

The clerk will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. Aye.

Mr. GARON. Mr. Gilman votes aye.

Mr. Goodling.

Mr. GOODLING. Aye.

Mr. GARON. Mr. Goodling votes aye.

Mr. Leach.

[No response.]

Mr. GARON. Mr. Roth.

[No response.]

Mr. GARON. Mr. Hyde.

[No response.]

Mr. GARON. Mr. Bereuter.

Mr. BEREUTER. Aye.

Mr. GARON. Mr. Bereuter votes aye.

Mr. Smith.

[No response.]

Mr. GARON. Mr. Burton.

Mr. BURTON. Aye.

Mr. GARON. Mr. Burton votes aye.
Mrs. Meyers.
[No response.]
Mr. GARON. Mr. Gallegly.
[No response.]
Mr. GARON. Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. Aye.
Mr. GARON. Ms. Ros-Lehtinen votes aye.
Mr. Ballenger.
Mr. BALLENGER. Aye.
Mr. GARON. Mr. Ballenger votes aye.
Mr. Rohrabacher.
Mr. ROHRABACHER. Aye.
Mr. GARON. Mr. Rohrabacher votes aye.
Mr. Manzullo.
Mr. MANZULLO. Aye.
Mr. GARON. Mr. Manzullo votes aye.
Mr. Royce.
[No response.]
Mr. GARON. Mr. King.
Mr. KING. Aye.
Mr. GARON. Mr. King votes aye.
Mr. Kim.
Mr. KIM. Aye.
Mr. GARON. Mr. Kim votes aye.
Mr. Brownback.
Mr. BROWNBACK. Aye.
Mr. GARON. Mr. Brownback votes aye.
Mr. Funderburk.
Mr. FUNDERBURK. Aye.
Mr. GARON. Mr. Funderburk votes aye.
Mr. Chabot.
[No response.]
Mr. GARON. Mr. Sanford.
Mr. SANFORD. Aye.
Mr. GARON. Mr. Sanford votes aye.
Mr. Salmon.
Mr. SALMON. Aye.
Mr. GARON. Mr. Salmon votes aye.
Mr. Hamilton.
[No response.]
Mr. GARON. Mr. Gejdenson.
Mr. GEJDENSON. No.
Mr. GARON. Mr. Gejdenson votes no.
Mr. Lantos.
[No response.]
Mr. GARON. Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
Mr. BERMAN. No.
Mr. GARON. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Mr. GARON. Mr. Ackerman votes no.

Mr. Johnston.
[No response.]
Mr. GARON. Mr. Engel.
[No response.]
Mr. GARON. Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
Mr. MARTINEZ. No.
Mr. GARON. Mr. Martinez votes no.
Mr. Payne.
Mr. PAYNE. No.
Mr. GARON. Mr. Payne votes no.
Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
Mr. MENENDEZ. No.
Mr. GARON. Mr. Menendez votes no.
Mr. Brown.
Mr. BROWN. No.
Mr. GARON. Mr. Brown votes no.
Ms. McKinney.
Ms. MCKINNEY. No.
Mr. GARON. Ms. McKinney votes no.
Mr. Hastings.
Mr. HASTINGS. No.
Mr. GARON. Mr. Hastings votes no.
Mr. Wynn.
Mr. WYNN. No.
Mr. GARON. Mr. Wynn votes no.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
[No response.]
Mr. ROTH. Mr. Chairman, how am I recorded?
Mr. GARON. Mr. Roth.
Mr. ROTH. Aye.
Mr. GARON. Mr. Hyde; Mr. Smith, aye; Mrs. Meyers, aye; Mr. Gallegly, no response; Mr. Royce, aye; Mr. Chabot, no response; Mr. Leach, aye; Mr. Engel, no.
Mr. HAMILTON. Mr. Chairman, how am I recorded?
I vote no.
Mr. ACKERMAN. Am I recorded, Mr. Chairman?
Mr. GARON. Mr. Ackerman, you are recorded as no.
Chairman GILMAN. The clerk will read the tally.
Mr. GARON. The ayes are 19, the noes are 14.
Chairman GILMAN. The previous question is adopted. The question is on the amendment.
All in favor signify in the usual manner, aye.
Opposed, no.
The noes have it.
Mr. ACKERMAN. Mr. Chairman?
Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. I would like to ask for a recorded vote.
Chairman GILMAN. A recorded vote has been requested.
The clerk will call the roll.
Mr. GARON. Mr. Chairman.
Chairman GILMAN. No.
Mr. GARON. Mr. Gilman votes no.
Mr. Goodling.
Mr. GOODLING. No.
Mr. GARON. Mr. Goodling votes no.
Mr. Leach.
Mr. LEACH. Aye.
Mr. GARON. Mr. Leach votes aye.
Mr. Roth.
Mr. ROTH. Aye.
Mr. GARON. Mr. Roth votes aye.
Mr. Hyde.
[No response.]
Mr. GARON. Mr. Bereuter.
Mr. BEREUTER. No.
Mr. GARON. Mr. Bereuter votes no.
Mr. Smith.
Mr. SMITH. No.
Mr. GARON. Mr. Smith votes no.
Mr. Burton.
Mr. BURTON. No.
Mr. GARON. Mr. Burton votes no.
Mrs. Meyers.
Mrs. MEYERS. No.
Mr. GARON. Mrs. Meyers votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly votes no.
Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Mr. GARON. Ms. Ros-Lehtinen votes no.
Mr. Ballenger.
Mr. BALLENGER. No.
Mr. GARON. Mr. Ballenger votes no.
Mr. Rohrabacher.
Mr. ROHRABACHER. No.
Mr. GARON. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. No.
Mr. GARON. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King votes no.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim votes no.
Mr. Brownback.

Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.
Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Hyde.
Mr. HYDE. No.
Mr. GARON. Mr. Hyde votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.
Mr. GARON. Mr. Gejdenson votes aye.
Mr. Lantos.
[No response.]
Mr. GARON. Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
Mr. BERMAN. Yes.
Mr. GARON. Mr. Berman votes yes.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. Johnston.
[No response.]
Mr. GARON. Mr. Engel.
Mr. ENGEL. Aye.
Mr. GARON. Mr. Engel votes aye.
Mr. Faleomavaega.
[No response.].
Mr. GARON. Mr. Martinez.
Mr. MARTINEZ. Aye.
Mr. GARON. Mr. Martinez votes aye.
Mr. Payne.
Mr. PAYNE. Aye.
Mr. GARON. Mr. Payne votes aye.
Mr. Andrews.
Mr. ANDREWS. Aye.
Mr. GARON. Mr. Andrews votes aye.
Mr. Menendez.
Mr. MENENDEZ. Aye.

Mr. GARON. Mr. Menendez votes aye.
Mr. Brown.
Mr. BROWN. Aye.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.
[No response.]
Mr. GARON. Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
[No response.]
Mr. ROTH. Mr. Chairman, how am I recorded, Mr. Chairman?
Mr. GARON. Mr. Roth is recorded as aye.
Mr. ROTH. I vote no.

Mr. ACKERMAN. Mr. Chairman, if the gentleman is asking for unanimous consent to change his vote, I reserve the right to object, but will not object.

Chairman GILMAN. We haven't recorded the final tally yet, so the gentleman is absolutely within—Mr. Roth had made a point of information.

Mr. Lantos?

Mr. GARON. Mr. Lantos, aye; Mr. Torricelli, no response; Mr. Johnston, no response; Ms. McKinney, no response; Mr. McNulty, no.

Chairman GILMAN. The chief of staff will report the tally.

Mr. GARON. On this vote the ayes are 14, the noes are 22.

Chairman GILMAN. The amendment is not agreed to. The chief of staff will read the next section.

Are there any further amendments to section——

Mr. PAYNE. Mr. Chairman.

Chairman GILMAN. Mr. Payne.

Mr. PAYNE. Yes. Mr. Chairman, I request to strike the last word, only because of the fact that I want to put something in the record I think that is germane and important before we move into the next amendment.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. PAYNE. Let me just say in response to Mr. Goodling, there was a discussion regarding the whole command and control and we know that much of that came because of the situation that occurred in Somalia. I was in Somalia before we went in, I talked with the President's people and the Joint Chiefs of Staff and State prior to our going in, urging that we go in, and I have been there four or five times since we went in.

I just want to kind of just for the record, not in an attempt to change anyone's mind, but I think it is important that the record reflects the truth, since the whole situation in Somalia seems to be the genesis of this whole command and control issue, I think it

would be helpful for us to review the events that led up to the tragedy of the 18 U.S. soldiers or rangers who we lost at that time.

It is true that, as Mr. Goodling said, that the U.N. Commander in Somalia was a Turkish General Bir, but I think that the record ought to be clear that it is also true, that the operational commander was U.S. General Montgomery, who reported both to General Bir and to the U.S. Central Commander Marine General Hoar.

The Washington Post brought out in its reporting that we all saw that U.S. General Montgomery did not encourage the assault on Aideed's headquarters on that tragic day when the casualties occurred. There were comments about how unit command were saying that we needed to get our fellows into action and the U.S. Rangers carried out this assault with the approval of the U.S. Central Command, not the U.N. Command.

I think it is important that we know that they were under the supervision of U.S. troops and does not change the outcome, but it was not under the Turkish command from the U.N.

As a matter of fact, they actually opposed our U.S. Central Command that sanctioned this particular situation. As we know, we lost Pakistanis and Moroccans and others, and I just think that it ought to be clear that since this is where the discussion emanated from, that they, as a matter of fact, each of the units were working under their own command and not necessarily under the command of the U.S. So I appreciate having that put in the record.

Thank you, Mr. Chairman.

Chairman GILMAN. I thank the gentleman for his comments.

I understand that Mr. Engel has an amendment to section 401.

Mr. Engel.

Mr. ENGEL. Yes, I do, Mr. Chairman, but I would like to raise it now and then go to vote and come back and debate it, because I wouldn't like the debate to be broken by the vote.

Chairman GILMAN. All right.

Would the clerk distribute the amendment by Mr. Engel.

Did you want to make some comments?

Mr. ENGEL. No, Mr. Chairman.

I just want to say that I have two, I would like to submit them as one en bloc. So I would ask unanimous consent to do that.

Chairman GILMAN. Without objection, the amendments will be considered en bloc, and we will recess for 10 minutes in order to cast our votes.

Mr. ENGEL. Thank you.

[The amendments follow:]

HR7\030

AMENDMENT TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. ENGEL

On page 17, line 21, strike "(b) and (c)" and insert in lieu thereof "(b), (c), and (d)".

On page 18, line 23, strike "(d)" and insert in lieu thereof "(e)".

On page 19, line 1, strike "(d)" and insert in lieu thereof "(e)".

On page 19, after line 14, insert the following new subsection:

"(d) EXCEPTION FOR OPERATIONS UNDER COMMAND OF A NATIONAL OF A NATO MEMBER STATE.---Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under the command or operational control of a military officer of a NATO member state.".

On page 19, line 15, strike "(d)" and insert in lieu thereof "(e)".

On page 22, line 11, strike "(e)" and insert in lieu thereof "(f)".

On page 22, line 14, strike "(f)" and insert in lieu thereof "(g)".

HR7\031

AMENDMENT TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. ENGEL

On page 24, line 22, strike "(c) and (d)" and insert in lieu thereof "(c), (d), and (e)".

On page 25, line 21, strike "(e)" and insert in lieu thereof "(f)".

On page 25, line 24, strike "(e)" and insert in lieu thereof "(f)".

On page 26, line 3, strike "(e)" and insert in lieu thereof "(f)".

On page 26, after line 12 insert the following new subsection:

"(d) EXCEPTION FOR OPERATIONS UNDER COMMAND OF A NATIONAL OF A NATO MEMBER STATE.---Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under the command or operational control of a military officer of a NATO member state.".

On page 26, line 13, strike "(e)" and insert in lieu thereof "(f)".

On page 29, line 29, strike "(f)" and insert in lieu thereof "(g)".

On page 29, line 10, strike "(g)" and insert in lieu thereof "(h)".

On page 29, line 16, strike "6(e)(1)" and insert in lieu thereof "6(f)(1)".

[Recess.]

Chairman GILMAN. The committee will come to order.

Members, please take your seats. The situation before the committee is that Mr. Engel has introduced two amendments to 401. He has asked that they be considered en bloc, and I am going to ask the chief of staff to read the amendments.

Mr. GARON. The amendment in the nature of a substitute offered by Mr. Engel.

On page 17, line 21, strike (b) and (c), and insert in lieu thereof (b), (c), and (d). Page 18, line 23, strike (d) and insert in lieu thereof (e). Page 19, line 1, strike (d) and insert in lieu thereof (e). Page 19, after line 14, insert the following new subsection: (d), EXCEPTION FOR OPERATIONS UNDER COMMAND OF A NATIONAL OF A NATO MEMBER STATE.—Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under the command or operational control of a military officer of a NATO member state.

On page 19, line 15, strike (d) and insert in lieu thereof (e). On page 22, line 11, strike (e) and insert in lieu thereof (f). On page 22, line 14, strike (f) and insert in lieu thereof (g).

Mr. ROTH. Mr. Chairman, I move that the amendments be considered as read.

Chairman GILMAN. Without objection, the amendments are considered as read.

Mr. Engel, 5 minutes.

Mr. ENGEL. Yes. Thank you, Mr. Chairman.

Mr. Chairman, in the 7 years that I have had the privilege of serving on this committee, we have handled, I think, this committee more than any other committee, in a bipartisan fashion. The comity on this committee has been very good. And I wish that my colleagues on both sides of the aisle would understand that I feel very, very strongly about this.

This is a very sincere attempt to right what I feel is an unintended problem with H.R. 7 as it is currently stated. This amendment is very simple. It would exempt from the general prohibition on foreign command of U.S. troops and U.N. peacekeeping operations those actions commanded by military officials from NATO countries. I think the need for this amendment is clear.

In the zeal to address the sensitive issue of foreign command, H.R. 7 in its current form could prohibit American forces from serving in U.S.-supported military operations which are led by NATO commanders. While I am sure this is an unintended result, H.R. 7 could prove very offensive to members of the alliance.

I needn't say that NATO is the premier military alliance in the world and in NATO, U.S. troops often serve under the command of military officials from other NATO countries. That is the whole point behind an alliance with an integrated command.

In fact, during World War II, U.S. units were frequently subordinated to British commanders in Italy, Normandy, Arnhem and in the China–Burma–India theater of operations. I don't see how anyone could oppose this amendment unless he or she also opposes U.S. participation in NATO units with non-U.S. commanders.

If we cannot, Mr. Chairman, trust military officials from NATO countries to command U.S. troops, we arguably should not be in

the alliance. And I know my colleagues do not believe that is the case.

If I were a British General or a French Admiral reading this bill, I would have serious questions about the United States' commitment to our alliance. In fact, with this apparent lack of trust in NATO allies, I might have second thoughts about putting my troops under the command of an American officer in the future.

Members have the right to ask tough questions about the military competence of U.N. force commanders if U.S. troops are to serve under them in U.N. peacekeeping operations. But no one suggests that the competence of force commanders from NATO countries is questionable.

Mr. Chairman, I broke with my party and supported the Gulf war and supported President Bush in the Gulf war. In that conflict, in my opinion, President Bush did a wise thing. He went to the United Nations for authorization to make absolutely clear that countries of the world stood shoulder to shoulder with the United States in opposition to Saddam Hussein.

In Desert Storm, a U.S. brigade was placed under operational control of the French Sixth Light Armored Division for operations against Iraqi forces. If H.R. 7 passes with sections 401 and 402, as currently written, I believe that our closest allies will be less likely to contribute troops under a U.S. commander if tensions flare in the Gulf again.

We must not deny or limit the President's ability to use that valuable tool for coalition building. Indeed, H.R. 7 places the United States in the awkward position of permitting U.S. troops to serve under a NATO commander if the action is not authorized by the U.N. Security Council. But once the U.N. Security Council acts as currently read, U.S. troops cannot participate unless the President makes a lengthy certification, which I don't believe is worthy of America's NATO partners.

If this provision was in effect during World War II, it would not be difficult to imagine President Roosevelt having to explain to Winston Churchill why he must issue an extensive certification to permit Field Marshal Montgomery to command U.S. Armed Forces.

Traditionally, Congress only tries to expand its authority and oversight in response to failures of one kind or another. We all can certainly agree that NATO has not failed and is in fact the most successful military alliance in the history of the world. Indeed, H.R. 7, I believe, as currently written, only results in congressional micromanagement of the world's most successful alliance.

I ask my colleagues to not micromanage success at this sensitive time for the NATO alliance; let us not drive this wedge between America and our closest friends and allies. I urge that all members support this amendment so that we can preserve the relationship of respect that has always existed between NATO allies.

I thank the Chairman.

Chairman GILMAN. The gentleman's time has expired. I thank the gentleman.

Mr. BEREUTER. Mr. Chairman?

Chairman GILMAN. Mr. Bereuter for 5 minutes.

Mr. BEREUTER. Thank you, Mr. Chairman.

I understand my colleague's good intent in offering this amendment, but I would speak in opposition to it. It seems to me that while it appears to be a narrowly drafted exception designed to protect the NATO military operations as they operate under U.N. command, in fact, however, I think it would effectively, if not gut, do great damage to sections 401 and 402. And so if you agree with what is in the legislation, 401 and 402, I think you should be concerned about this amendment.

If it was adopted, the new restrictions we are adopting on placing U.S. forces under foreign command and U.N. peacekeeping operations could be abated any time the U.N. chooses a commander from a NATO member state, any of the 15 other countries.

Now, this is no mere hypothetical. The command arrangement in the U.N. operation in Somalia would not have been covered by sections 401 and 402, if you agree to this amendment. That is because the overall commander, as we have heard some discussion here today, in Somalia was a Turkish General and Turkey, of course, is a NATO member. So if you are concerned that we ought not get into situations like Somalia and you want to have some impact upon it through sections 401 and 402, then you don't want to gut them by making the huge NATO loophole.

I don't think we want to be in a situation where these new restrictions on foreign command can be obviated or evaded any time a U.N. officer is put in as a command structure above our forces. And I think that is what the gentleman's amendment does.

Mr. ENGEL. Well, if the gentleman would yield?

Mr. BEREUTER. I would yield to the gentleman from New York.

Mr. ENGEL. I thank my friend.

Does my friend from Nebraska not agree that the placement of a U.S. under the operational control of the French Sixth Light Armored Division, during the Cold War would effectively be prohibited from happening again. And you know, my feeling is that what are we really accomplishing is on the one hand, attempting to strengthen NATO and to even expand NATO, and on the other hand, we are spitting in the face of our NATO allies.

I don't understand, you know, what the problem is. Would it have been possible for this operation to be carried out if these sections were in law? I think not. And why should we place our Commander in Chief in that position?

Mr. BEREUTER. Well, I would reclaim my time to say, yes, it would have been possible under section 401 and 402 for U.S. troops to serve under a foreign command in the Persian Gulf conflict. Under Subsection 2 on page 18, any time the senior military commander of the U.N. forces is a U.S. military authority, then a private can serve under a person of foreign command and, of course, General Schwarzkopf was the commander of the overall operation. So Subsection 2 on page 18 specifically addresses this.

Beyond all of that, I would remind the gentleman that President Bush came to the Congress of the United States and got specific authorization from the Congress to engage our forces in the Persian Gulf conflict.

I yield back the balance of my time.

Chairman GILMAN. The gentleman's time has expired.

Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

I would like to raise a general issue, and I would like any of my friends on the other side to respond to this.

For years, on a bipartisan basis, we have been calling for more equitable burden-sharing. Now, if you hypothesize a U.N. peacekeeping operation in Europe with 20,000 non-U.S. NATO troops and 100 U.S. NATO troops, are we really living in the world of reality in insisting that the 20,000 non-U.S. NATO troops, 5,000 Brits, 5,000 Italians, 5,000 French and others, can have an operation only if, even though we contribute only a tiny fraction of the whole operation, it has to be commanded by an American?

I think this is so contrary to what we have been trying to achieve on a bipartisan basis of moving toward rational burden-sharing, that I truly invite my colleagues on the other side, perhaps for the first time, to get rid of the goose step and break ranks and recognize the intelligence of an idea.

I would also like to raise the question as to whether the gentleman from New York would be prepared to enlarge his proposal to encompass Australia and New Zealand. After all, we have two democracies in that part of the world with whom we have had a remarkably good working relationship for decades with the exception of a nuclear issue which no longer is relevant. And I, on the basis of World War II—two World War experiences, would have not the slightest hesitancy in placing American troops under either Australian or New Zealand command.

There is a degree of arrogance which permeates this approach that is so contrary to the building of durable multinational alliances. Just ask yourself how someone in the United Kingdom feels about it, having seen the enormous sacrifice they made during the Second World War and during the First World War to defend democratic principles, practices and countries.

And I think the notion that here we are dealing in petty political dialogue for palpably political purposes when, in fact, our President and our Secretary of State has to deal with real allies, with a real history of working with us on a fully cooperative basis as equals. I really think voting against this proposal, which is so eminently rational, and on the basis of historic experience, so eminently sound, is a gratuitous slap in the face of our best allies, people who have bled with us and who have bled for our ideas. And I strongly urge my colleagues to support the amendment of the gentleman from New York.

Chairman GILMAN. Mr. Rohrabacher for 5 minutes.

Mr. ROHRABACHER. I am sure my colleague, Mr. Lantos, didn't mean to insult any of us by referring to our solidarity or our basic program is, in some way, relating to some sort of fascistic solidarity. I mean, having sat in this Congress for 6 years and seen such solidarity on the other side and not lowered myself to implying that that was some sort of fascistic act on the other side, I am sure you didn't mean to insult us in that way.

Mr. LANTOS. I am not talking about fascism—if my friend will yield to me—I am merely talking about the obvious, that when a Republican President took this country to the Persian Gulf War, there was a very sizable group of Democrats who supported it. I think it is important to realize, when yesterday the we voted on the

balanced budget amendment, a very sizable number of Democrats supported that proposal.

Mr. ROHRABACHER. Reclaiming my time——

Mr. LANTOS. If my friend will allow me to finish the sentence as a matter of courtesy, I am merely pointing to the obvious. We were allies in the First and Second World War of some great democratic nations. It is a gratuitous insult to them to be told that although they may have 50 times as many troops in a peacekeeping operation than we do, the only conceivable command could be a U.S. command.

Mr. ROHRABACHER. I understand your point—if I may reclaim my time. I would just say that that point is certainly worthy of respect and respect of consideration, and it is just that when you use terms like "goose stepping" in reference to our position on this side, the fact that other people may disagree with you, and large numbers of people may disagree with you, I am sure you didn't mean to insult us by making that implication.

To answer the question that you asked specifically, the American people, and this was part of—and again, I will repeat this for the third time—the American people voted in November, and there are certain things that have been bothering them about the way our country was going. One of the things that has bothered the American people is that they feel that the United States Government is becoming too involved in multinational operations in which our own people's lives are not held in high priority. And we are trying to address that today.

Now, some of the points that you made are absolutely correct. And in the past, the United States was willing to accept a disproportionate share of the burden, a disproportionate share of the risk, but today the American people would like us to address and put down in black and white so the world will know that we no longer are going to be basically the people who everyone else in the world can rely on to basically even put our troops under their command. So we are drawing a line in the sand and we are doing so in keeping in good faith with the American people, not to say that the points you are making are not meant—and I know you are very sincere in those and you have a very good historical analysis. But we are moving into a new era, and I don't believe that the American people in this new era want American troops under foreign command, we want to make sure when our troops are sent overseas—the Cold War is over, and when our troops are sent overseas, we want to make sure that every time they are it is under the command of someone that holds their lives in such high value that they won't risk their lives. That is what this is all about?

Mr. Ackerman. Mr. Chairman?

Chairman GILMAN. The time of the gentleman has expired.

Mr. Ackerman.

Mr. ACKERMAN. Thank you very much.

Chairman GILMAN. Is this to wind up the debate?

Mr. ACKERMAN. I move to strike the last word.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. ACKERMAN. Thank you, Mr. Chairman.

I would just like to take a minute or two of my five minutes to respond to my good friend, Mr. Rohrabacher, who has made the

point on two occasions this morning—I guess this afternoon at this point, that the American people have spoken, and indeed they have, and that there is a Contract With America, and that that has to be the agenda.

Well, we have now seen in this legislation, four different versions. If the American people spoke with a clear and concise voice, it would seem to me that there would be some consensus as to the amendments and to the bill that you are putting in. The last amendment was out. Then you put the amendment in. Then you put the amendment out. Then you shook it all about. Then you turned yourself around, and you did the hocus-pocus. And maybe that is what it is all about.

Chairman GILMAN. Would the gentleman like to put that to music?

Mr. ROHRABACHER. Ten points for my colleague from New York.

Mr. ACKERMAN. I hope that is not considered singing in the committee, which I know is not allowed. But nonetheless, if there is a contract, then when we have amendments to it, please understand that we offer them with the same goodwill and intent to try to be helpful to the process and to our great democracy as when you see the opportunity to make an amendment to that contract.

It is not a religion document that was handed down like the 10 Commandments, unable to be amended. And it is just curious, I guess, is the word of the week, to so many of us that when there is an amendment offered by the Republican side to the sacred doctrine known as "The Contract" that all 22 votes suddenly appear, as if there is a different interest of wisdom for that amendment.

And when there is a Democratic amendment that is offered, there is not one out of the 22, except by accident, which is able to be changed before the vote is announced, that would see any wisdom whatsoever in anything emanating from this side of the room.

Mr. ROTH. Mr. Chairman?

Mr. ACKERMAN. It is just a great curiosity that I wanted to raise, and I thank you for——

Mr. ROTH. Would the gentleman yield?

Mr. ACKERMAN. I would be delighted to yield to my friend.

Mr. ROTH. I thank the gentleman for yielding.

I know this is not the—these are not the 10 commandments, but it is a political manifesto. Now, I realize that you are not wedded to this; you didn't run on the Contract, we did. In fact, my good friend from New York criticized the Contract during the election. I want to make just two short points and that is——

Mr. ACKERMAN. Let me just respond briefly, reclaiming my time for a second. I just hope that Mr. Rohrabacher would not be offended by your use of the word manifesto.

Mr. ROTH. If you will yield? But if the gentleman from New York—if the gentleman from New York is really obeying all of the 10 Commandments, then we are truly making progress, I would think.

I want to say this—I want to say this. In all seriousness, if other countries want to keep their troops under their own command, so be it. But this bill does not prohibit foreign command in all cases. For example, if the President provides Congress with a certification, or if the Congress votes to allow it, so there are, you know,

cases where American troops could be under foreign command. But in the Contract With America, the American people told us they were very much concerned about U.S. troops under foreign command, and we are addressing that issue. After all, the Contract With America boils down to this: what the American people have been asking Congress to vote for a long time and Congress hasn't done it. So we made a commitment that we wanted to live up to.

Mr. ACKERMAN. Yes. We understand that you made a commitment, but you are amending your commitment to death, and you have done it with four different versions of the bills. And I am saying that if you made that commitment to the American people, I understand the math here which was defeated to a strict party-line vote, I tried to put back the language of your commitment and you voted against it. It seems to me, you are committed to the amendments and not to the Contract.

Chairman GILMAN. The gentleman's time has expired.

Mr. Sanford.

Mr. SANFORD. My question in hearing the debate go back and forth, is that I think—my fellow Members on this side of the aisle are concerned about the broadness of this language, when we are talking about any military officer of a NATO state. My question to the proponent of this amendment would be, could we narrow the language and say something along the lines of: In a military operation conducted by NATO?

Mr. ENGEL. Well, I understand—if the gentleman would yield to me, I understand that Mr. Gilman was prepared to introduce an amendment saying that. I think that that amendment moves in the right direction, but—and certainly is an improvement over the current language, but I think it doesn't take it to the next logical step.

You know, we made a decision to be part of a NATO alliance. And I just wonder what we are doing by forcing the President to go through this whole certification process. It is really a slap in the face, frankly, and an insult to countries with which we are very, very closely allied.

I think the gentleman from California, Mr. Lantos, made an excellent point about burden-sharing. We collectively, Democrats and Republicans, have moved toward more burden-sharing for our allies. This to me just goes in the opposite direction. It is to our benefit, I think, to have them share the burden with us, and sometimes sharing the burden means that we have common goals, common objectives, and that, in fact, the commanders would be foreign national, but are allies.

Mr. ROTH. Would the gentleman yield for one question?

Mr. ENGEL. Yes, certainly. It is the gentleman's time.

I just wanted to make one final point and then I will gladly give it up. I was wondering if we could have the Secretary Sherman tell us what the Administration's reading of H.R. 7 is with regard to this, and how it would affect relations between NATO allies, because that is, frankly, what worries me.

Ms. SHERMAN. Wendy Sherman, Assistant Secretary of State. I would also, if I might, point out to the Members that there was a USA Today poll shortly after the election that went through all the Contract items, and it specifically asked about U.S. troops under U.N. control command, and in fact, the majority of Americans did

not support a prohibition of that item. And so the statement that that is, in fact, what Americans support, at least that poll, at least that poll, and I realize it is one poll, does not—says quite the opposite.

I would like to ask the Commander Lohr to explain the legal situation here in terms of what we are facing with the addition that Mr. Engel has added, which will help us immensely take a step forward away from the very difficult language and have prohibitive language along the lines that the Members have pointed out.

Chairman GILMAN. Commander.

Mr. LOHR. Congressman Engel's language would be helpful, and I think it would be reassuring to our NATO allies for them to understand that there would be certain U.N. operations where if a NATO commander was in command of that operation, the statutory prohibition would not apply. It would be our view that even with the exception, however, we are still infringing on the President's inherent authority to determine command relationships. And then secondarily, I would say in addition to Australia and New Zealand, we have other reliable allies in the world, including Japan, South Korea, there are other very capable militaries in the world in both Africa, Southeast Asia, and even in Latin America. So the difficulty with the prohibition is in limiting it to just NATO.

Mr. HAMILTON. Mr. Chairman?

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. Commander, I want to ask you a question or two about the provision itself. The provision prohibits foreign command and control of U.S. troops in any Chapter 6 or 7 operation, unless the President certifies 15 days in advance. Tell me what the effect of that is. Also, under the new language, the prohibition on serving under a foreign national was rewritten to allow U.S. forces to serve only under a U.S. commander who has three authorities: the authority to dismiss subordinates, to establish appropriate rules of engagement, and to establish criteria governing the operational employment of such U.S. forces. Now, when you put all of this together, what is the impact of section 401 on a President?

Mr. LOHR. I think it takes away the President's inherent authority and his flexibility to make command and control decisions as he determines best in the national interests.

Mr. HAMILTON. And if you ask a President to certify and report to the Congress 15 days in advance, doesn't that just tip off to every other country in the world that we are going to act unilaterally?

Mr. LOHR. Exactly, it does. If he has to——

Mr. HAMILTON. And that if we were trying to seek the support of other nations, we just undercut our position totally, would we not?

Mr. LOHR. Yes, sir, we could. It would also—Rwanda may not be a good example, because we went in unilaterally, we were not under U.N. command and control in that humanitarian operation, but that was a quickly developing situation where literally hundreds of thousands of lives were at risk. And the Rwanda situation, a 15-day certification would have affected the President's ability to react to that crisis in the event we had gone in under the U.N. We didn't, of course.

Mr. ROTH. Mr. Chairman?

Chairman GILMAN. Mr. Roth.

Mr. ROTH. I must move for the previous question.

Chairman GILMAN. The previous question has been—did the gentleman finish his question?

Mr. HAMILTON. I had one other question, if I may.

Chairman GILMAN. One more question.

Mr. HAMILTON. The question relates to the authorities of the U.S. commander. The prohibition on serving under foreign nationals was rewritten to allow U.S. forces to serve under a U.S. commander who had certain authorities. What is your reaction to those three authorities?

Mr. LOHR. I don't think that really solves the problem, for a number of reasons. I am not sure that—it is not clear to me that even if it was a U.S. commander running a NATO operation that he would have the authority to, one, dismiss subordinates, establish rules of engagement, or as number three, establish criteria governing the operational deployment. That essentially establishes the mission. That is done at the U.N. where we, of course, have a veto in the Security Council.

Mr. ACKERMAN. Mr. Chairman?

Chairman GILMAN. I thank the gentleman.

Mr. ACKERMAN. Mr. Chairman? Mr. Chairman? I move that we now do adjourn.

Chairman GILMAN. Well, the questions—Mr. Roth had placed a motion before the committee.

Mr. ROTH. Mr. Chairman, I——

Mr. ACKERMAN. Mr. Chairman, there was an interceding speaker immediately after you. I raised my motion immediately.

Chairman GILMAN. Mr. Roth suspended his motion to give Mr. Hamilton an opportunity to——

Mr. ACKERMAN. Yes, Mr. Chairman, but moving to adjourn is a privileged motion and takes precedent over Mr. Roth's motion.

Chairman GILMAN. Are you asking to adjourn the entire proceedings or to recess for the vote?

Mr. ACKERMAN. In answer to your question, Mr. Chairman, inasmuch as you appear to be prepared to cutoff debate on Mr. Engel's motion which he wanted to debate further, I would be indeed moving to adjourn.

Chairman GILMAN. Mr. Engel has completed his debate on the motion.

Mr. ACKERMAN. He has not concluded and there are other members who would like to speak to this, Mr. Chairman. Our only concern here, Mr. Chairman—Mr. Chairman, our concern, if I may be extended a minute, our concern is the limitation on debate.

Chairman GILMAN. Let me interrupt the gentleman.

Mr. ACKERMAN. I don't care where we are going——

Chairman GILMAN. How many members wish——

Mr. BURTON. Regular order. The chairman has control of the hearing, not you, Mr. Ackerman. You are not the chairman.

Mr. ACKERMAN. Neither are you.

Mr. BURTON. You let him take control on the issue.

Chairman GILMAN. Mr. Engel, did you want to have further debate on the issue?

Mr. ENGEL. Yes, I would.

Chairman GILMAN. Mr. Ackerman, would you like further debate on the issue?

Mr. ACKERMAN. Mr. Engel would like further debate on the amendment, Mr. Chairman.

Chairman GILMAN. The several motions are considered withdrawn. We will recess for the vote and come back and have further debate on the issue.

Mr. ACKERMAN. Thank you, Mr. Chairman. That is all we ask.

Chairman GILMAN. The meeting will come to order. I understood Mr. Engel has some further comment on this bill. I just want to advise my colleagues that we will try to wind up at 3. The floor has concluded with its business.

Mr. ENGEL. Thank you, Mr. Chairman. I wanted to make a few additional points, and I know that there are other colleagues that wanted to make some points.

Chairman GILMAN. If the gentleman will suspend.

Mr. ENGEL. Certainly.

Chairman GILMAN. I would like to ask unanimous consent that debate on Title IV and all amendments thereto be concluded by 3 p.m.

Mr. ACKERMAN. Reserving the right to object.

Chairman GILMAN. I recognize the gentleman with regard to his reservation.

Mr. ACKERMAN. May I inquire as to how many amendments we might anticipate? May we have a moment?

Chairman GILMAN. The Chair has not been provided with any amendments or a list of any amendments.

Mr. ACKERMAN. This is to which title?

Chairman GILMAN. We are talking about Title IV.

Mr. ACKERMAN. Anybody have any amendments?

Chairman GILMAN. If there is no objection.

Mr. ACKERMAN. Mr. Chairman, I have a question to ask on Title IV, so if I might have the opportunity to raise that after the vote on this?

Chairman GILMAN. Yes. Aside from that, we will wind up all debate on Title IV at 3 p.m., Mr. Engel.

Mr. ENGEL. Thank you. Mr. Chairman, might it be in order——

Chairman GILMAN. Without objection, so ordered.

Mr. ENGEL.

Mr. ENGEL. Mr. Chairman, might it be in order to have some of the other people speak before me? I will speak now, it is OK. There are a couple of points that I wanted to make that I think are very, very important.

First of all, we are talking about a NATO alliance that has been very important to this country and has done us very well for 50 years, and, frankly, I think that anything that we do unilaterally that undermines that alliance is a step in the wrong direction, particularly at a time when we want to have our NATO allies do more of the burden sharing.

Now, what really bothers me is that this, the language of H.R. 7 with regard to command and control essentially would not permit in a U.N. operation, a British commander to command our troops, but theoretically if we did something out of the auspices of the

U.N., we could have anyone from any country, from a nonallied country command U.S. troops. There would be no prohibition. That to me doesn't make any sense.

The linchpin ought not to be whether it is a U.N. operation or not. The linchpin ought to be is the commander a national of a very strong ally of the United States, particularly within the NATO alliance, so it makes no sense to allow someone from Albania, let's say, to command U.S. troops if it is a non-U.N. operation.

Secondly, I am told that currently the commander of the forces in South Korea of course is an American, and it is under a U.N. operation. Of course, everything we do in Korea is theoretically under the operation of the U.N. And the U.S. commander who is heading the operation has left South Korea to come to the United States for a few days, and the current commander, the person who was left in control of the command of U.S. and South Korean forces in South Korea is a South Korean national.

Now, under this legislation that couldn't happen. The President of the United States would again have to go through a lengthy certification process. What would that mean? Would it mean that the U.S. commander could never leave South Korea? It is just impractical and doesn't work, and what I am trying to do is to try to take into account the legitimate concerns of some of our friends on the other side of the aisle, the fact that they don't want U.S. forces to be unprotected, but temper it with some good plain old common sense, not to tie the President whoever the President is, Democratic President or Republican President, in knots, but to allow the President to make the judgments as commander-in-chief that any President would make.

If we sat down and figured out more, we could probably come up with 20 more. All I am saying is that if it is a national of a country in the NATO alliance, then we at least, since we all I think agree that NATO is important, then we at least all should understand that we ought to have confidence in the commanders of NATO forces.

You know, what happened in Somalia was a terrible tragedy, but just the way I didn't think that Vietnam should have clouded the national debate for 25 years after Vietnam, and some people feel until Desert Storm, Vietnam clouded the debate because we were afraid to make any kind of moves because of the Vietnam syndrome. I don't think we ought to have the Somalia syndrome.

Somalia was a terrible tragedy. Mr. Payne made a statement before on the question of whether it was under Turkish command or U.S. command. I am not sure if this language was in force if the Somalia debacle would have been prevented. Probably not, but we shouldn't let what happened in Somalia cloud our entire conduct when it regards command and control, particularly with our allies.

Chairman GILMAN. The gentleman's time has expired. If there is no further debate, the question is on the amendment.

Mr. MENENDEZ. Mr. Chairman, I had indicated before the break, Mr. Chairman, I wanted to speak in support of Mr. Engel's amendments. I move to strike the last word.

Mr. Chairman, I support Mr. Engel's amendment because in fact it would seem to me that the purpose of the act, as described by its very title, is to strengthen defense, is to revitalize the national

security. But what we are doing at a time in which many of my colleagues on the other side of the aisle call for a greater internationalism, particularly as it respects to trade, is to in fact move to a greater isolationism, when in fact we have interests to pursue all over the world economically as we broaden our trade and therefore our economic interests as well as our security interests. And by moving in a more isolationist fashion as it relates to how we are going to meet those security interests and economic interests and to maintain our defense, we do so in such a way that moves us greater and greater into a unilateral fashion and creates greater burdens on our budget by not moving more so in an international, in a multilateral effort, and so therefore at a time when we also hear a lot about cutting budgets, we are in essence creating greater burdens upon ourselves.

Now, this is, if we do not adopt Mr. Engel's provision, I would suggest that we do not end up with stronger defense, we end up with weaker defense. You do not end up with greater national security, we end up with greater insecurity. We have provisions here that Mr. Hamilton clearly solicited from the Defense Department that in essence would show our hand, would signal to those who we wish to defeat because they endanger our national security what our intentions would be. That does not revitalize our defense or our security.

NATO is the most successful military alliance in the world, and I would venture to say if we would specifically put it out there to the American public, they would tell you that and in fact it has historically, I think, been supported by the American people, and so don't confuse those provisions of the contract that people supported you on and make it in such a way that it is so global that you are not willing to amend the contract in such a way that you have already amended, but amend it in such a way that will make it better.

Now is the most crucial time for this alliance, and we shouldn't be pushing our closest friends away from us. The friends that have stuck with us, the friends that have been able to make us successful, the friends that George Bush was able to have a great victory with in an international way.

Lastly, it would seem to me if one opposes this amendment, then it would also presumably be logical to oppose membership in NATO, something which I don't believe that either side proposes, and certainly the majority that proposes this provision doesn't in fact foresee, but it is the logical consequence. You cannot have what you have in the contract and assume that NATO, as we have known it and as it has been successful, is something that can be adopted and therefore I think Mr. Engel's amendment still meets with what you seek to do, defense, security, but does it in such a way that it doesn't shift the burden on us and that makes us more secure, doesn't have us signaling our intentions to others who we wish to conquer in the process of their threats of our security, and is a much better way to move forward on this piece of legislation.

I urge my colleagues on this to vote on Mr. Engel's amendment affirmatively.

Chairman GILMAN. The gentleman's time has expired.

Mrs. Meyers.

Mrs. MEYERS. Mr. Chairman, I would like to comment that I am a great admirer of NATO and all the NATO nations. I work with the North Atlantic Assembly, but I think the mission of NATO is very, very different from the U.N. missions that we might be involved with. When the mission of NATO is to work together with the North Atlantic nations to defend the European nations, when we are talking about a U.N. mission, we might be in Rwanda or Somalia or one of any number of other countries, and when we do that, I think it is important that we be under U.S. command because in that particular situation these commanders may not have worked together as closely as they do in carrying out the NATO mission. I still think it is extremely important that they be under U.S. command.

Chairman GILMAN. Is there any further——

Mr. HASTINGS. Mr. Chairman.

Chairman GILMAN. Mr. Hastings.

Mr. HASTINGS. I move to strike the requisite number of words.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. HASTINGS. I thank the chair. Responding to the gentlelady, Mrs. Meyers, regarding NATO. Multinational units take their command from non–U.S. NATO commanders under the aegis of NATO as it is presently constituted. Following as a segue to my colleague and good friend from New Jersey, Mr. Menendez, if one opposes this amendment, it would seem logical that they would also oppose membership in NATO, and I find it passing strange that H.R. 7 is now hurriedly moving down the path to encouraging other countries to become a part of NATO, and I am curious if we at the same time are saying that there will not be multinational units under the command, what do we say to Poland and what do we say to Hungary and the Czech Republic and others that evidently we are encouraging in that regard?

The United States should encourage, not discourage U.N. Security Council authorization of U.S.-led or supported military actions. It helps, Mr. Chairman, to build international legitimacy and support. Pretty obviously, NATO has been a pivotal point for success for our country, and as has been stated, President Bush wouldn't have been able to put together the coalition that he did to fight Desert Storm had this proviso not been available. I strongly urge that we support Mr. Engel's amendment, Mr. Chairman.

Chairman GILMAN. If there is no further debate, the question——

Mr. BROWN. Mr. Chairman.

Chairman GILMAN. The gentleman is entitled to speak.

Mr. BROWN. Mr. Chairman, earlier this week I sent a letter to Speaker Gingrich and also to Chairman Gilman asking this committee to hold hearings on the $40 billion bailout package for Mexico, and your staff, the chairman's staff said or the committee staff said the committee is so overwhelmed and the staff is so overwhelmed——

Chairman GILMAN. Let me respond to that. We are preparing for a hearing of that nature in the very near future.

Mr. BROWN. That will be next week, Mr. Chairman?

Chairman GILMAN. If it is still necessary by next week, we will be holding a hearing.

Mr. BROWN. If I could continue, Mr. Chairman, does that mean if the Speaker schedules this on the floor next week that you will try to have a hearing before that?

Chairman GILMAN. We will try to hold a hearing before the scheduled vote, if that is at all possible to fit it into our schedule.

Mr. BROWN. Thank you, Mr. Chairman.

Chairman GILMAN. Is there any further debate on the amendment?

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. If not, the question is on the——

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Yes, Mr. Ackerman.

Mr. ACKERMAN. I move to strike the last word.

Chairman GILMAN. For what purpose does the gentleman seek——

Mr. ACKERMAN. I move to strike the last word.

Chairman GILMAN. Is it on the amendment before us?

Mr. ACKERMAN. Yes, it is, Mr. Chairman.

Chairman GILMAN. Will the gentleman suspend a moment?

Mr. ACKERMAN. I will make the point I was intending to make afterwards so that we might be able to wrap this up in an orderly fashion before 3 as the chairman intended.

Chairman GILMAN. Mr. Ackerman, we are trying to wind up by 3 to accommodate some of the members who have long distances to travel.

Mr. ACKERMAN. I understand, Mr. Chairman.

Chairman GILMAN. If you want to stay to a late hour, I will be willing to continue, but you have already debated on the measure, and I ask you to try to accommodate our colleagues.

Mr. ACKERMAN. Mr. Chairman, perhaps you didn't hear me, I said that I would try to accommodate the chairman's desire to wrap this up by 3, and incorporate the statement that you gave me unanimous consent to make before.

Mr. BURTON. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. Please address your inquiry to the Chair.

Mr. BURTON. Mr. Chairman, has the gentleman already spoken on this issue?

Chairman GILMAN. Yes, the gentleman has spoken on this issue.

Mr. ACKERMAN. Mr. Chairman.

Mr. BURTON. If he has, I think he is——

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. Mr. Chairman, I moved to strike the requisite number of words. You recognized me, and I would just like for the record to indicate that your recollection might not be clear. I have not spoken on Mr. Engel's motion.

Chairman GILMAN. All right, then we will—please proceed. The gentleman is recognized for 5 minutes.

Mr. ACKERMAN. Thank you very much, Mr. Chairman.

Sometimes I think it would be a lot quicker to let us say what we have to say instead of arguing whether or not we have a right to say it, which usually takes twice as long and then we say it anyway.

I can understand your concern about fulfilling the Contract With America. I don't know that the Contract With America was one in which we in the Congress were given a mandate to tinker with NATO, and that is what is happening here. I would like to ask the Chair a question or anybody who might be able to answer it, but prior to that I would like to ask unanimous consent that on page 18, line 14 the word "employment" be changed to the word "deployment".

Chairman GILMAN. Will the gentleman repeat the line?

Mr. ACKERMAN. Yes, on page 18 of the substitute, the fourth version of the bill, on line 14, change the word "employment" to "deployment".

Mr. GOODLING. Reserving the right to object.

Chairman GILMAN. The gentleman is recognized on his reservation. Mr. Goodling.

Mr. GOODLING. Reserving the right to object. Anyone like to join in this clowning conversation? I would be happy to yield time if you would. If not, I withdraw my objection.

Chairman GILMAN. The objection is withdrawn. The gentleman is recognized.

Mr. ACKERMAN. I am sorry that the gentleman considers it clowning, but if you are dealing with the national security and you are using a word that is the wrong word in your legislation which you intend to have the President sign into law, there is a big difference between employing a soldier and deploying a soldier, and if you think that that is clowning, I would suggest otherwise.

Mr. MANZULLO. Point of order, Mr. Chairman.

Chairman GILMAN. Would the gentleman state his point of order?

Mr. MANZULLO. Is there an amendment being offered during the course of another amendment? I believe it is Mr. Engel's amendment.

Mr. ACKERMAN. Yes, Mr. Chairman, indeed there is. I asked for unanimous consent to change what I believe is a serious typographical error on the part of the bill drafting people that substantially changes the intent of this so as not to embarrass this committee when this is passed into law and you are going to be employing instead of deploying people who might be killed.

Chairman GILMAN. In response to——

Mr. ACKERMAN. It is a typo in——

Chairman GILMAN. In response to the gentleman's inquiry, I am asking counsel to comment on that.

Mr. RADEMAKER. Mr. Chairman, this particular language here in section 401 is under the jurisdiction of both our committee and the Committee on National Security, and in reviewing the language in preparing the substitute amendment that we are working off of today, we worked very closely with the staff of the National Security Committee on this language. We had a discussion in particular about the use of the word "employment" in this context. The National Security Committee staff felt very strongly that employment was the proper word in this context.

The distinction being "deployment" is talking about sending U.S. forces to a particular location; "employment" is talking about what they do once they get there, and the concern that this paragraph is intended to address, at least this clause of the paragraph, is the

use of U.S. Armed Forces once they are deployed in a United Nations peacekeeping operation.

Mr. ACKERMAN. So then what counsel is saying, the fact that on line 7 when you talk about operational control, that phrase is not reflected, you are intending deliberately not to say operational deployment in the second place and operational employment, that is not unintended?

Chairman GILMAN. We appreciate the gentleman's concerns. There is a unanimous consent request before the committee.

Mr. Goodling.

Mr. GOODLING. I object to the unanimous consent request.

Ms. MCKINNEY. Mr. Chairman.

Chairman GILMAN. The Chair hears objection.

Mr. Ackerman?

Mr. ACKERMAN. If I might then——

Chairman GILMAN. Mr. Ackerman, your time has expired.

Mr. ACKERMAN. Mr. Chairman?

Chairman GILMAN. Who is seeking recognition?

Ms. MCKINNEY. Yes, Mr. Chairman.

Chairman GILMAN. Ms. McKinney, you are recognized for 5 minutes.

Ms. MCKINNEY. Thank you, Mr. Chairman. I would yield to Mr. Ackerman for such time as he may consume.

Mr. ACKERMAN. Thank you very much, Ms. McKinney. Mr. Chairman, I have a question concerning this section, and please understand I raised that issue upon which you just ruled and was objected in all earnestness because there is evidently, as obvious from the explanation given by counsel, conducted a great discussion with the other committee, so obviously this was not a frivolous matter. And just because we bring it up, you assume that it is frivolous. But when you discuss it with the staff of the other committee, it is very, very serious.

Nonetheless, I do have a question that goes to the heart of this matter in this particular section on page 18, and that is philosophically here you make a great exception to the entire philosophy of having U.S. troops under the command of others. This new language that you have inserted here basically makes an exception and says if the commander is an American, then people in intermediate levels of control who would be presumably on the front lines directing U.S. troops in life and death situations, is it the intent of this legislation that those troops under the intermediary supervision of others could be under the supervision of foreign nationals as long as somebody way up at the top was an American?

Chairman GILMAN. Pursuant to the prior unanimous consent request that was made and approved, all debate will end at 3, and——

Mr. ACKERMAN. I ask unanimous consent for the Chair to be able to answer the question.

Chairman GILMAN. The question is now on the Engel amendment.

Mr. ACKERMAN. Mr. Chairman, it is not 3 and I would like—can't you even afford us the common decency of answering the question? You have the votes, Mr. Chairman. You can do whatever you like here, but please answer the question.

Chairman GILMAN. With regard to your inquiry, I am going to ask counsel to respond to you. Then we will go on to vote.

Mr. RADEMAKER. Mr. Ackerman, the provision you are referring to here on page 18 does, if I understood your description of your understanding correctly, it is a correct understanding, the provision is intended to deal with the situation that was alluded to in some of the testimony we received in connection with H.R. 7. There was specific reference to the situation in the Persian Gulf and also the situation in Korea where there were instances where there was a U.S. supreme commander with subordinates of a foreign nationality who were in turn commanding American forces, and it is the intention of this paragraph to exempt those sorts of situations from the application of section 401 and 402.

Mr. ACKERMAN. So that as long as there is an American commander at the top, it is the assertion of the Contract With America that American troops can be under the immediate direct command and control of people who are not American citizens?

Mr. BEREUTER. Will the gentleman yield?

Mr. ACKERMAN. I would be delighted to yield.

Mr. BEREUTER. Your statement is only partly correct.

Chairman GILMAN. It is not the gentleman's time, it is Ms. McKinney's time. Would you direct the request to Ms. McKinney?

Mr. BEREUTER. Would the gentlelady yield for a response to the gentleman?

Ms. MCKINNEY. Yes.

Mr. BEREUTER. Thank you. You are only partly correct as you describe it at least.

The U.S. military officer would have to have the authority to dismiss the subordinate, and if in fact he has—for example, if it is a division and size unit that is a U.N. command, there is an American general in charge of the division, as long as he has an opportunity to dismiss the French—well, let's pick out any country, X country subordinate commanding the regiment, that in fact is possible for an American to be serving under X company regimental commander.

Mr. ACKERMAN. Just for further explanation, Mr. Bereuter, if I might, that means if a group of American soldiers get unfortunately wiped out under the direct command of a foreign national and later on the foreign national can be fired by an American, that that is——

Chairman GILMAN. Pursuant to the prior unanimous consent request, it is 3. The vote is now on the Engel amendment.

All in favor, signify in the usual manner.

Opposed.

Mr. ACKERMAN. Mr. Chairman, ask for a recorded vote.

Chairman GILMAN. A recorded vote has been requested.

The chief of staff will read the roll call.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. No.

Mr. GARON. The chairman votes no.

Mr. Goodling.

[No response].

Mr. GARON. Mr. Leach.

Mr. LEACH. Aye.

Mr. GARON. Mr. Leach votes aye.
Mr. Roth.
[No response].
Mr. GARON. Mr. Hyde.
[No response].
Mr. GARON. Mr. Bereuter.
Mr. BEREUTER. No.
Mr. GARON. Mr. Bereuter votes no.
Mr. Smith.
[No response].
Mr. GARON. Mr. Burton.
Mr. BURTON. No.
Mr. GARON. Mr. Burton votes no.
Mrs. Meyers.
Mrs. MEYERS. No.
Mr. GARON. Mrs. Meyers votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly votes no.
Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Mr. GARON. Ms. Ros-Lehtinen votes no.
Mr. Ballenger.
Mr. BALLENGER. No.
Mr. GARON. Mr. Ballenger votes no.
Mr. Rohrabacher.
Mr. ROHRABACHER. No.
Mr. GARON. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. No.
Mr. GARON. Mr. Manzullo votes no.

Chairman GILMAN. I am going to interrupt the roll call a moment just to remind our departing members that we will be adjourning until 2 on Monday, recessing until 2 on Monday afternoon to conclude the work on this bill.

Proceed with the roll call.
Mr. GARON. Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King votes no.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.

Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Yes.
Mr. GARON. Mr. Gejdenson votes aye.
Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Lantos votes aye.
Mr. Torricelli.
Mr. TORRICELLI. Aye.
Mr. GARON. Mr. Torricelli votes aye.
Mr. Berman.
Mr. BERMAN. Aye.
Mr. GARON. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Mr. Ackerman votes aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. Johnston.
[No response].
Mr. GARON. Mr. Engel.
Mr. ENGEL. Aye.
Mr. GARON. Mr. Engel votes aye.
Mr. Faleomavaega.
[No response].
Mr. GARON. Mr. Martinez.
[No response].
Mr. GARON. Mr. Payne.
[No response].
Mr. GARON. Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
Mr. MENENDEZ. Aye.
Mr. GARON. Mr. Menendez votes aye.
Mr. Brown.
Mr. BROWN. Aye.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.
Ms. MCKINNEY. Aye.
Mr. GARON. Ms. McKinney votes aye.
Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.

[No response].
Mr. GARON. Mr. Moran.
Mr. MORAN. Aye.
Mr. GARON. Mr. Moran votes aye.
Mr. GOODLING. No.
Mr. GARON. Mr. Goodling notes no.
Mr. Smith.
Mr. SMITH. No.
Mr. GARON. Mr. Smith votes no.
Mr. Roth.
[No response].
Mr. GARON. Mr. Hyde.
[No response].
Mr. GARON. Mr. Martinez.
[No response].
Mr. GARON. Mr. Payne.
[No response].
Mr. GARON. Mr. McNulty.
[No response].
Chairman GILMAN. The clerk will report the vote.
Mr. GARON. On this vote the ayes are 14, noes are 20.
Chairman GILMAN. The amendment is not agreed to.

The committee will stand in recess until Monday, but let's just review a moment where we stand. Titles I through IV are now closed with the reservations noted, and section 303 for Mr. Faleomavaega and sections 401 through 402 for Mr. Hamilton, and for Mr. Bereuter pursuant to the unanimous consent agreements made earlier.

Mr. Hamilton.

Mr. HAMILTON. My impression—thank you, Mr. Chairman. I think you have covered it.

On Monday I will ask for a reservation for Mr. Berman, but that is not necessary until we get to those sections, 507 and 508, I think. I will ask a reservation at that time because Mr. Berman will not be able to be here until 4 in the afternoon.

Chairman GILMAN. The committee stands in recess until 2 p.m. on Monday.

[Whereupon, at 3:05 p.m., the committee was adjourned to reconvene at 2 p.m. on Monday, January 30, 1995.]

H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

MONDAY, JANUARY 30, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The committee met, pursuant to call, at 2 p.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (chairman of the committee) presiding.

Chairman GILMAN. The committee will come to order.

Before we begin the markup, I would like to take this opportunity to introduce two new committee members who have not yet arrived but who will be here shortly.

Mr. Frazer is here. Mr. Frazer is a Delegate from the Virgin Islands. And I am pleased to say that the gentleman from New York, Mr. Houghton, will be rejoining our committee. Amo previously served with us before being assigned to the Ways and Means Committee. We are fortunate he has been able to add this committee to his responsibilities on Ways and Means and we welcome his experience and expertise.

I am also pleased to welcome Delegate Frazer, who is newly elected from the Virgin Islands. He brings to the committee a wealth of experience on issues affecting the Caribbean as well as a strong understanding of the working of the Congress. He is only the second native of the Virgin Islands to be elected to the Congress.

We are pleased to welcome both of our new members.

The gentleman from Indiana.

Mr. HAMILTON. Thank you very much, Mr. Chairman.

Let me join you in welcoming them to this committee. We are very familiar, of course, with Amo Houghton, who serves with great distinction in this body. And Mr. Frazer served, I think, on the subcommittee staff of Mr. Dymally, if I am correct, so he is familiar with many of us. I have no doubt he will be a strong member, and I join with you in welcoming them to the committee, Mr. Chairman.

Chairman GILMAN. Thank you. We welcome you.

The committee is now underway, continuing our markup of H.R. 7. Under a previous order, all time for debate on the amendment in the nature of a substitute through Title IV and all amendments thereto has now expired.

The chief of staff will designate the next section of the amendment in the nature of a substitute.

89-669 95 – 5.

Mr. GARON. Section 501, credit for the assessment of U.S. expenditures in support of United Nations peacekeeping operations.

Chairman GILMAN. The Chair would like to take this opportunity to restate the current status of our markup on H.R. 7. As we noted earlier, under a previous unanimous consent request, all time for debate on the amendment in the nature of a substitute through the end of Title IV has now expired and the right to offer certain other amendments out of order has been reserved and the Chair will consult with the several members to try to establish times to turn to those amendments.

The Chair would also like to make a few observations about our markup session on Friday. That meeting began at 9:30 a.m. and with brief recess for lunch and several floor votes, continued until 3 p.m. It was one of the longest markup sessions on a single bill that the Chair can recall.

Much ground was covered and many issues raised as is appropriate when considering major legislation before this committee. To address the remaining issues, the Chair has scheduled this second day of markup.

However, I would like to make it clear that the markup of H.R. 7 will conclude today, and I hope that we can do this in a reasonable manner.

Some of our colleagues in the Minority expressed some concern about not having enough time to address adequately the important issues on which are part of H.R. 7, stating further that they were concerned about the time in which they had to study the markup document.

The Chair would like to address both of those issues. Mention has already been made of the many areas discussed during our markup on Friday.

In addition, our committee has been conducting a series of hearings, three of which have been held so far, on evaluating our Nation's foreign policy. Witnesses testifying at those hearings were asked to address, among other issues, H.R. 7, which they did.

In addition, our committee held a closed briefing on important U.N. issues with the Ambassador to the U.N., Madeleine Albright. In addition, and part in response to a request by the Minority, the Chair scheduled a hearing on H.R. 7, at which time we heard from two witnesses, one recommended by the Minority.

In further response to a request from the Minority, and an administration request, which was certainly quite appropriate, the Chair scheduled Secretary Christopher's testimony on evaluating foreign policy before the markup on H.R. 7, giving the Secretary an opportunity to comment on H.R. 7.

The Chair also received requests from the Minority to delay the markup of H.R. 7. The Chair therefore rescheduled the markup for Friday and believes that, in consultation with the ranking minority member, were able to arrange a markup document and general procedures to follow during the markup.

Concerning the question of which members received the markup document, I would like to note that the timing of the distribution of the document resulted in part from efforts to accommodate members who had a number of suggestions concerning various sections of the bill.

However, the Chair would like to remind members that delays are not new, even though they ought to be avoided. The Chair recalls that last Congress, the Minority did not receive the markup document on the Haiti troop authorization until almost 8 p.m. the night before the markup.

In the same vein, last year, this side of the aisle would frequently hear that the committee would have to report a measure if it were to keep to a timetable that the leadership on the other side had set out, similar to the kind of table constraints that we are confronted with at this time.

Accordingly, the Chair would hope that our members could focus on the amendments before us so that our committee could conclude its business in a timely fashion. And to that end I would hope that those members who wish to offer amendments have informed the Chair and have provided sufficient copies to the clerk so that we do not waste time attempting to identify the correct part in the bill that the amendment is to be inserted.

At this point the Chair would like to identify those members who provide us with amendments. To section 501, Mr. Hastings. To section 507, Mr. Berman. To section 512, Mr. Gilman and Hamilton. To section 603, Messrs. Bereuter and Wynn. To section 604, Gilman and Goodling. Mr. Torricelli. Messrs. Ackerman and Wynn. Ms. McKinney and Mr. Moran. Amendment in the nature of a substitute, Mr. Hastings.

The Chair would like to note that he will endeavor to establish by unanimous consent time limits on the various amendments of sections as they come up. If we cannot reach agreement, other steps will have to be considered.

Does Mr. Hastings have an amendment?

Mr. HASTINGS. Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. The chief of staff will report the amendment. Would the amendment please be distributed by the clerks.

Mr. GARON. Amendment to the amendment in the nature of a substitute offered by Mr. Hastings. Beginning on page 30, line 15, strike all from page 33——

Mr. HASTINGS. Mr. Chairman, I offer that the amendment be accepted as read.

Chairman GILMAN. The amendment is considered as having been read. The gentleman is recognized for 5 minutes in support of his amendment.

[The amendment offered by Mr. Hastings follows:]

Mr. GARON. Section 501, credit for the assessment of U.S. expenditures in support of United Nations peacekeeping operations.

Chairman GILMAN. The Chair would like to take this opportunity to restate the current status of our markup on H.R. 7. As we noted earlier, under a previous unanimous consent request, all time for debate on the amendment in the nature of a substitute through the end of Title IV has now expired and the right to offer certain other amendments out of order has been reserved and the Chair will consult with the several members to try to establish times to turn to those amendments.

The Chair would also like to make a few observations about our markup session on Friday. That meeting began at 9:30 a.m. and with brief recess for lunch and several floor votes, continued until 3 p.m. It was one of the longest markup sessions on a single bill that the Chair can recall.

Much ground was covered and many issues raised as is appropriate when considering major legislation before this committee. To address the remaining issues, the Chair has scheduled this second day of markup.

However, I would like to make it clear that the markup of H.R. 7 will conclude today, and I hope that we can do this in a reasonable manner.

Some of our colleagues in the Minority expressed some concern about not having enough time to address adequately the important issues on which are part of H.R. 7, stating further that they were concerned about the time in which they had to study the markup document.

The Chair would like to address both of those issues. Mention has already been made of the many areas discussed during our markup on Friday.

In addition, our committee has been conducting a series of hearings, three of which have been held so far, on evaluating our Nation's foreign policy. Witnesses testifying at those hearings were asked to address, among other issues, H.R. 7, which they did.

In addition, our committee held a closed briefing on important U.N. issues with the Ambassador to the U.N., Madeleine Albright. In addition, and part in response to a request by the Minority, the Chair scheduled a hearing on H.R. 7, at which time we heard from two witnesses, one recommended by the Minority.

In further response to a request from the Minority, and an administration request, which was certainly quite appropriate, the Chair scheduled Secretary Christopher's testimony on evaluating foreign policy before the markup on H.R. 7, giving the Secretary an opportunity to comment on H.R. 7.

The Chair also received requests from the Minority to delay the markup of H.R. 7. The Chair therefore rescheduled the markup for Friday and believes that, in consultation with the ranking minority member, were able to arrange a markup document and general procedures to follow during the markup.

Concerning the question of which members received the markup document, I would like to note that the timing of the distribution of the document resulted in part from efforts to accommodate members who had a number of suggestions concerning various sections of the bill.

However, the Chair would like to remind members that delays are not new, even though they ought to be avoided. The Chair recalls that last Congress, the Minority did not receive the markup document on the Haiti troop authorization until almost 8 p.m. the night before the markup.

In the same vein, last year, this side of the aisle would frequently hear that the committee would have to report a measure if it were to keep to a timetable that the leadership on the other side had set out, similar to the kind of table constraints that we are confronted with at this time.

Accordingly, the Chair would hope that our members could focus on the amendments before us so that our committee could conclude its business in a timely fashion. And to that end I would hope that those members who wish to offer amendments have informed the Chair and have provided sufficient copies to the clerk so that we do not waste time attempting to identify the correct part in the bill that the amendment is to be inserted.

At this point the Chair would like to identify those members who provide us with amendments. To section 501, Mr. Hastings. To section 507, Mr. Berman. To section 512, Mr. Gilman and Hamilton. To section 603, Messrs. Bereuter and Wynn. To section 604, Gilman and Goodling. Mr. Torricelli. Messrs. Ackerman and Wynn. Ms. McKinney and Mr. Moran. Amendment in the nature of a substitute, Mr. Hastings.

The Chair would like to note that he will endeavor to establish by unanimous consent time limits on the various amendments of sections as they come up. If we cannot reach agreement, other steps will have to be considered.

Does Mr. Hastings have an amendment?

Mr. HASTINGS. Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. The chief of staff will report the amendment. Would the amendment please be distributed by the clerks.

Mr. GARON. Amendment to the amendment in the nature of a substitute offered by Mr. Hastings. Beginning on page 30, line 15, strike all from page 33——

Mr. HASTINGS. Mr. Chairman, I offer that the amendment be accepted as read.

Chairman GILMAN. The amendment is considered as having been read. The gentleman is recognized for 5 minutes in support of his amendment.

[The amendment offered by Mr. Hastings follows:]

HR7\024

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HASTINGS

Beginning on page 30, line 15 strike all through page 33, line 8 and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS' PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.---The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

"SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.---

"(1) LIMITATION.---Funds may be obligated for payment to the United Nations of the United States assessed share of peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to---

(A) the total amount identified in the report submitted pursuant to paragraph (3)(C) for the preceding fiscal year, reduced by

(B) the amount of any reimbursement or credit to

the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for the preceding fiscal year.

"(2) EXCEPTION.---The limitation provided in paragraph (1) shall apply only to the extent that other United Nations member states also receive credit against their assessments under the same terms and conditions as apply to credit received by the United States.

"(3) REPORTS.---(A) The President shall submit quarterly reports to the designated congressional committees on---

"(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

"(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

"(B) Each report submitted pursuant to subparagraph (A) shall describe---

"(i) the assistance provided for each such operation, listed by category of assistance; and

"(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(4) DEFINITION.---For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

Mr. HASTINGS. I thank the Chair.

Mr. Chairman, I offer an amendment to section 501 today because I fear the demise of collective security and shared responsibility if this language is not altered.

Mr. Chairman, chapter 1 of Article I of the Charter of the United Nations lists the purposes of the United Nations. These are to maintain international peace and security, to take effective collective measures for the prevention and removal of threats to peace, for the suppression of acts of aggression or other breaches of peace, and to achieve international cooperation in solving international problems.

Pretty obviously, these are laudable purposes, and I can't imagine there being any member on this dais or associated with this committee who does not support these goals. But the language before us today would effectively destroy the United Nations, and make a mockery of our commitment to world peace.

I might add that the witnesses that the Chair did have come before us each expressed extraordinary reservations with reference to the proposals set forth in Title V, section 501, more specifically of Mrs. Albright and Secretary Christopher.

Mrs. Albright's exact words were that this particular provision would be lethal. I quote her. And I need not bother to bore the members with the recitation put forward by Secretary Christopher. Suffice it to say he did appear to be adamantly opposed.

This language would effectively prohibit the United States from making a success of United Nations peacekeeping contributions and would kill United Nations peacekeeping. It would kill the concept of collective security at the U.N. and would encourage other U.N. member nations to offset their own costs and thereby decrease their payments to the United Nations.

This language, if I may say so, is the height of arrogance. Are we saying that we do not need to participate in the United Nations? Are we so powerful, meaning the United States, that we can afford to isolate ourselves from the international community? Is it preferable to prohibit our participation in the United Nations, thereby ensuring that we act unilaterally in any future undertaking?

I believe in the concept of the United Nations and I believe, selflessly, that the United Nations is the conscience of the world, and I believe, selfishly, that having the United Nations affords us the opportunity to influence world events without putting all our American lives or only American lives on the line time and time again.

The amendment as offered, Mr. Chairman, changes section 501 to state that the Department of Defense should receive credit for direct and indirect costs to the degree that other nations receive credit from the United Nations for the cost that is they incur when participating in United Nations undertakings.

And it requires the Department of Defense to submit quarterly reports to Congress listing the costs of the operations, as well as the incremental costs incurred by undertaking various missions.

If we withdraw our support from this vital organization because the monetary costs are too high, let's at least know what those costs actually are.

And I ask of the members to please support this amendment, and at the appropriate time, if there is colloquy, Mr. Chairman, I have several questions I would like to ask.

Chairman GILMAN. Mr. Hyde.

Mr. HYDE. Mr. Burton is seeking time.

Chairman GILMAN. Mr. Burton.

Mr. BURTON. Mr. Chairman.

Chairman GILMAN. The gentleman has 5 minutes.

Mr. BURTON. This is another amendment offered with the clear intention of gutting one of the provisions of H.R. 7. Section 501 is designed to ensure that the United States gets proper credit for our expenditures for direct and indirect participation in and support for U.N. peacekeeping operations.

The, quote, "exception," end quote, starting on line 5 of page 2 of the amendment effectively says that the United States will get proper credit only to the extent that other United Nations members' states also receive credit, and, quote, "under the same terms and conditions as they receive credit."

Now, that sounds fair enough until you consider that the United States spends far more, far more every year on these kinds of operations than any other country in the world. When the others pay as much as the United States, we can give them credit on the same terms and conditions.

But until they do, we should keep section 501 in the bill in its current form.

Chairman GILMAN. The gentleman has the time.

Mr. Burton. Are you finished with your remarks?

Mr. BURTON. Mr. Chairman, I yield back the balance of my time.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. Mr. Chairman, I would like to ask the chairman a few questions to get a sense of where we are going on this bill.

Mr. Chairman, do you think that Saudi Arabia should make payments to the U.N.?

Chairman GILMAN. I am sorry. Would you repeat——

Mr. GEJDENSON. Do you believe that Saudi Arabia, France, England, or the Soviet Union, Japan, should make payments to the U.N. in membership fees?

Chairman GILMAN. I think they should all make equitable contributions.

Mr. GEJDENSON. Mr. Chairman, under the language in this bill, if other countries were to accept the same standard, Saudi Arabia probably wouldn't make a payment to the U.N. for the next several hundred years. Japan, after the Gulf war, wouldn't make payments. France wouldn't make payments out of Rwanda.

The United Kingdom wouldn't make payments. The United States wouldn't make payments. The Russian Federation wouldn't make payments.

So we ought to put ourselves on the table here. Does the chairman wish to shut down the United Nations? Is that the chairman's goal?

Chairman GILMAN. Would the gentleman yield?

Mr. GEJDENSON. Yes, I yield.

Chairman GILMAN. As you know and as we previously stated, this legislation is not intended to close down the U.N. It is merely

an attempt to try to get some equity in the amount of contributions made by each nation.

Mr. GEJDENSON. Mr. Chairman, do you think that other countries should pay some proportionate percentage of the cost of the United Nations? What proportion do you think the United States should pay of all U.N. operations?

Chairman GILMAN. I yield to Mr. Goodling.

Mr. GOODLING. He has the time.

Mr. GEJDENSON. I will be happy to yield to Mr. Goodling.

Mr. GOODLING. I will let him finish his statement.

Mr. GEJDENSON. We ought to put our cards on the table. If you want to shut down the U.N., pass this amendment. If you believe the United States ought to have a lower reimbursement rate, put an amendment on for a lower reimbursement rate.

But what this amendment does to the bill is gives the U.N. a chance to operate. If you leave the language that exists in the bill, you are basically voting to destroy the United Nations.

Now, you can say you want to send them a message, but this isn't a message. This is an end to the operation ability of the United Nations. There are some people in this institution who I believe honestly in their hearts that we would be better off if there was no U.N. They ought to have the courage to come forward and say that.

But if you follow the logic in this legislation, none of the major countries involved in the United Nations today would be paying an assessment.

Instead, the United States, France, Britain, Saudi Arabia, Japan, would be coming to the United Nations demanding that Bangladesh pay them additional funds.

I will be happy to yield to the judge first and then to my friend Mr. Goodling.

Mr. HASTINGS. I ask my distinguished colleague from Connecticut, wouldn't you think that section 501 would encourage Russia to offset the cost of its troops in the former Soviet Union against its peacekeeping assessments? And how about France seeking a credit for its actions in Rwanda? And then wouldn't the Gulf states or Germany, you have mentioned, and and January, seek credit for the billions of dollars they spent underwriting Operation Desert Storm?

Mr. GEJDENSON. Absolutely. That is the only conclusion can you draw. If you are setting up a standard for reimbursement on each one of these activities, then what would happen is that all of these countries would not pay anything to the United Nations.

I would like to yield to Mr. Burton now.

Mr. BURTON. I would just like to say to my colleague, we have been paying about 32 percent of the total operational costs of the U.N. for a long, long time, and in the past couple of years we have spent the vast majority of the sums necessary to keep peacekeeping forces around the world in Somalia and elsewhere.

And, you know, there has got to be an end to it. The American taxpayer will only pay so much.

Mr. GEJDENSON. Pick a number. Reclaiming my time, if you believe there is a proper percentage, then pick that percentage. If you think it is a proper dollar amount, pick that dollar amount. But

what this amendment does is says that Bangladesh has to make payments to the U.N., to the United States, for its activities in the Gulf war.

Chairman GILMAN. The time of the gentleman has expired.

Mr. Goodling.

Mr. GOODLING. I ask consent that all debate on the current section and all amendments there to come to a close——

Mr. HAMILTON. I object.

Mr. GOODLING. Mr. Chairman, I move——

Mr. HASTINGS. Reserving the right to object.

Chairman GILMAN. Would the gentleman state his objection?

Mr. HASTINGS. I yield to the ranking member.

Chairman GILMAN. Objection has been heard. There is a motion.

Mr. GOODLING. I move that all debate on the current section and all amendments thereto come to a close at 3:05.

Mr. HAMILTON. Mr. Chairman?

Chairman GILMAN. The motion is not debatable. The question is on the motion. All in favor signify by the usual manner.

Opposed?

The motion is carried.

Mr. ACKERMAN. Mr. Chairman, on that I would like a roll call vote.

Chairman GILMAN. A roll call has been requested. The chief of staff will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. Aye.

Mr. GARON. Mr. Chairman votes aye.

Mr. Goodling.

Mr. GOODLING. Aye.

Mr. GARON. Mr. Leach.

[No response.]

Mr. GARON. Mr. Roth.

[No response.]

Mr. GARON. Mr. Hyde.

Mr. HYDE. Aye.

Mr. GARON. Mr. Hyde votes aye.

Mr. Bereuter.

Mr. BEREUTER. Aye.

Mr. GARON. Mr. Bereuter votes aye.

Mr. Smith.

Mr. SMITH. Aye.

Mr. GARON. Mr. Smith votes aye.

Mr. Burton.

Mr. BURTON. Aye.

Mr. GARON. Mr. Burton votes aye.

Ms. Meyers.

Mrs. MEYERS. Aye.

Mr. GARON. Ms. Meyers votes aye.

Mr. Gallegly.

[No response.]

Mr. GARON. Ms. Ros-Lehtinen.

[No response.]

Mr. GARON. Mr. Ballenger.

Mr. BALLENGER. Aye.

Mr. GARON. Mr. Ballenger votes aye.
Mr. Rohrabacher.
Mr. ROHRABACHER. Aye.
Mr. GARON. Mr. Rohrabacher votes aye.
Mr. Manzullo.
Mr. MANZULLO. Aye.
Mr. GARON. Mr. Manzullo votes aye.
Mr. Royce.
Mr. ROYCE. Aye.
Mr. GARON. Mr. Royce votes aye.
Mr. King.
Mr. KING. Aye.
Mr. GARON. Mr. King votes aye.
Mr. Kim.
Mr. KIM. Aye.
Mr. GARON. Mr. Kim votes aye.
Mr. Brownback.
Mr. BROWNBACK. Aye.
Mr. GARON. Mr. Brownback votes aye.
Mr. Funderburk.
Mr. FUNDERBURK. Aye.
Mr. GARON. Mr. Funderburk votes aye.
Mr. Chabot.
Mr. CHABOT. Aye.
Mr. GARON. Mr. Chabot votes aye.
Mr. Sanford.
Mr. SANFORD. Aye.
Mr. GARON. Mr. Sanford votes aye.
Mr. Salmon.
Mr. SALMON. Aye.
Mr. GARON. Mr. Salmon votes aye.
Mr. Houghton.
[No response.]
Mr. GARON. Mr. Hamilton.
Mr. HAMILTON. No.
Mr. GARON. Mr. Hamilton votes no.
Mr. Gejdenson.
[No response.]
Mr. GARON. Mr. Lantos.
[No response.]
Mr. GARON. Mr. Gejdenson.
Mr. GEJDENSON. No.
Mr. GARON. Mr. Gejdenson votes no.
Mr. Lantos.
[No response.]
Mr. GARON. Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
[No response.]
Mr. GARON. Mr. Ackerman.
Mr. ACKERMAN. No.
Mr. GARON. Mr. Ackerman votes no.
Mr. Johnston.
[No response.]

Mr. GARON. Mr. Engel.
[No response.]
Mr. GARON. Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
[No response.]
Mr. GARON. Mr. Payne.
[No response.]
Mr. GARON. Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
Mr. MENENDEZ. No.
Mr. GARON. Mr. Menendez votes no.
Mr. Brown.
Mr. BROWN. No.
Mr. GARON. Mr. Brown votes no.
Ms. McKinney.
Ms. MCKINNEY. No.
Mr. GARON. Ms. McKinney votes no.
Mr. Hastings.
Mr. HASTINGS. No.
Mr. GARON. Mr. Hastings votes no.
Mr. Wynn.
Mr. WYNN. No.
Mr. GARON. Mr. Wynn votes no.
Mr. McNulty.
Mr. MCNULTY. Aye.
Mr. GARON. Mr. McNulty votes aye.
Mr. Moran.
[No response.]
Mr. GARON. Mr. Frazer.
Mr. FRAZER. No.
Mr. GARON. Mr. Frazer votes no.
Mr. Gallegly.
Mr. GALLEGLY. Aye.
Mr. GARON. Mr. Gallegly votes aye.
Mr. Houghton.
Mr. HOUGHTON. Aye.
Mr. GARON. Mr. Houghton votes aye.
Mr. Leach.
[No response.]
Mr. GARON. Mr. Roth.
[No response.]
Mr. GARON. Ms. Ros-Lehtinen.
[No response.]
Mr. GARON. Mr. Lantos.
[No response.]
Mr. GARON. Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
[No response.]
Mr. GARON. Mr. Johnston.
[No response.]

Mr. GARON. Mr. Engel.
[No response.]
Mr. GARON. Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
Mr. MARTINEZ. No.
Mr. GARON. Mr. Martinez votes no.
Mr. Payne.
[No response.]
Mr. GARON. Mr. Moran.
[No response.]
Chairman GILMAN. The clerk will announce the tally.
Mr. GARON. On this vote, the ayes have 21, the noes are 11.
Chairman GILMAN. The motion has been agreed to. All time for debate on this section and all amendments thereto will end at 3:05.
The Chair will divide the time. The Chair recognizes Mr. Goodling for 5 minutes.
Mr. GOODLING. Mr. Chairman, section 501 is designed to make sure that the United States gets proper credit for the hundreds of millions of dollars we spend each year for direct and indirect participation in and in support of the United Nations peacekeeping operation.
The section reflects the frustrations many of us feel at the accusation we often hear that the United States is a deadbeat nation when it comes to paying for the U.N. peacekeeping operations. In fact, we pay far more than any other nation for peacekeeping even before our indirect expenditures are taken into account.
When those expenditures are taken into account, no other nation even comes close to us in terms of the financial burden we bear for U.N. peacekeeping. This section is designed to ensure that we get credit for the cost was our direct and indirect participation in and support for United Nations peacekeeping by deducting those costs from our U.N. peacekeeping assessment to the extent they have not been reimbursed by the U.N.
We would expect that in application this provision would lead the administration to require reimbursement to the U.N. for such costs so as to avoid the mandatory deduction from our U.N. apeacement.
The provision has been revised somewhat in the substitute amendment before us to accommodate some of the concerns that were expressed about the original version of section 501 in H.R. 7.
First, the range of cost to be conducted from our assessment has been limited significantly. We no longer would deduct the Defense Department's total costs but rather just its incremental costs. Incremental costs would be a smaller figure.
Second, cost incurred for operations authorized under chapter 7 of the U.N. charter, that is, operation like Korea, Desert Storm, Bosnia, Somalia and Haiti, could be exempted from the mandatory deduction from the President certifies to Congress that the operation is so important to the national security that he would have undertaken it unilaterally.
Mr. HASTINGS. Will the gentleman yield?
Mr. GOODLING. The second limitation ensures that we will not seek credit to the U.N. for operations that we undertake in our own interest. Together, these two changes refute the charge heard often

over the last several weeks from critics of H.R. 7 that we are seeking to destroy U.N. peacekeeping.

Nothing could be further from the truth. We want to strengthen U.N. peacekeeping and make it more cost effective and fair to the U.S. taxpayer. And for all these reasons, we should retain section 501 in its current form.

I yield back the balance of my time.

Mr. HASTINGS. Will the gentleman yield?

Chairman GILMAN. The gentleman yields back the balance of his time.

Mr. Hamilton.

Mr. HAMILTON. I thank the Chair.

Let me simply observe I cannot remember a time on this committee when we cut off debate on a motion, except by agreement on both sides. Now, my memory may be in error, but I don't think it is. I simply cannot remember a time when we have cut off debate, except by agreement.

This is an unprecedented action being taken by the Majority.

This is the most important section of the bill, and we are being limited to 10, maybe 15 minutes of debate. Cutting off all debate is an extraordinary action. I have never encountered it in 32 years—30 years—it seems like 32 sometimes—30 years on this committee.

Now, secondly, I would like to ask the administration some questions.

Mr. BURTON. Will the gentleman yield before you ask questions?

Mr. HAMILTON. I am sorry. My time is so limited I want to get this on the record. And I will not yield for questions.

I am interested in hearing from the Defense Department. I want to ask you what incremental costs are, as you understand them in this bill, and direct and indirect costs. It would be helpful to us, for example, to have the incremental costs and the direct and indirect costs in fiscal year 1994, and 1995.

Mr. HALL. My name is Warren Hall, with the Office of the Under Secretary of Defense, Comptroller.

It is very difficult for me to understand direct and indirect costs as we do not collect costs that way. We capture incremental costs for contingency operations that could be U.N. related, or might not be U.N. related. For example, we captured incremental costs for the refugee support for the Cubans.

Mr. HAMILTON. Is it fair to say that we simply do not know what this section means with regard to DOD costs?

Mr. HALL. Not with regard to costs. Certainly with regard to the definition of direct and indirect. When you talk about incremental costs for contingency operations, the department collects those cost and we can describe to you what it is that we have collected.

Mr. HAMILTON. Do you know the incremental costs in support of the U.N. in fiscal year 1994?

Mr. HALL. For 1994, we have collected $1.7 billion in incremental costs for U.N. related operations. Now, I want to make clear that this includes more than just peacekeeping.

For example, it does include Rwanda. Some people might say that our effort in Rwanda was humanitarian rather than peace-

keeping. It also includes contingency costs for the migrant processing in Haiti.

Mr. HAMILTON. As you read this bill, would that entire amount of money then be deducted from our U.N. assessment?

Mr. HALL. It would be open to question right now as to whether those particular two that I mentioned are subject to the bill. Certainly any cost related to Iraq, for example, the Southern Watch effort around the southern part of Iraq, or Provide Comfort in the northern part, and most of the costs from former Yugoslavia would be subject to this.

Mr. HAMILTON. The amount you used was $1.7 billion, right?

Mr. HALL. Yes.

Mr. HAMILTON. So that amount could reasonably be construed to be required to be deducted from our U.N. assessment under the language of this bill. Is that your reading of it?

Mr. HALL. That is how I put the numbers together, yes.

Mr. HAMILTON. Since we contributed about a billion dollars on our U.N. assessment, we would have a credit of $1.7 billion, and the U.N. presumably would owe us that amount, is that correct, under the language of this amendment?

Mr. HALL. That isn't the way I would interpret it. In effect it says we wouldn't pay anything.

Mr. HAMILTON. We just wouldn't pay?

Mr. HALL. We wouldn't pay.

Mr. HAMILTON. So the United States, then, in 1994, as you understand it, would not pay any assessment to the United Nations for peacekeeping under the language of this bill?

Mr. HALL. I am not a lawyer but that is the way I would understand it.

Mr. HAMILTON. That is the way you understand it.

Well, let me just observe here that I think that pretty well speaks for itself, that the United Nations would receive nothing in 1994 from the United States on peacekeeping. Our administration witnesses have testified in the recent past that that would destroy U.N. peacekeeping. I don't really think they are off the mark.

Now, we simply do not know for sure, as I understand your testimony, exactly what these costs are. But you have indicated $1.7 billion, to the best of your knowledge. I understand it is a difficult call for you, to determine the amount that would be required to be credited against our assessment.

Now, another part of this section requires the President of the United States to make a hypothetical certification. Does anybody know of any situation in present law today where a hypothetical certification is required of the President? And what is the administration's attitude toward such a hypothetical certification?

Ms. SHERMAN. Wendy Sherman, Assistant Secretary of State for Legislative Affairs.

It is clear, Mr. Hamilton, that we are not aware of these kinds of circumstances, and it undermines the discussion we had the other day, that is, the Commander in Chief authority of the President of the United States to take actions which he deems necessary in the national security interests of this country.

Mr. HAMILTON. Under this provision, the President would have to certify frequently, would he not?

Ms. SHERMAN. He would indeed. It is quite unclear from the language how frequently, under what circumstances, and what it would mean and whether, as we began to discuss the other day, we would have to pull troops or operations out precipitously given the timetable of the U.S. Congress.

Mr. HAMILTON. And in addition, the President must announce in advance, through his certification, that the United States is prepared to act.

Now, doesn't that put the President of the United States in an extremely unfavorable position on foreign policy, when he has to certify in advance that the United States is prepared to act? Would it not, for example, undercut, if not destroy, the ability of a President to act in a multilateral context?

Ms. SHERMAN. Absolutely. If we wanted to get other countries to be involved with us or to share the burden with us for an operation by letting them know in advance, we do it with or without them, we destroy the incentive in carrying the troop burden or part of the financial burden, which would be in direct opposition to our national security interests in many circumstances.

And it takes away both his ability and our Joint Chiefs' ability to make a decision that might not be in our military tactical interests by letting people know what our plans are in advance.

Mr. HAMILTON. So the administration strongly opposes this section?

Ms. SHERMAN. Absolutely.

Mr. HAMILTON. Thank you very much.

Chairman GILMAN. Mr. Burton.

Mr. BURTON. Mr. Chairman, I have the highest regard for the ranking Democratic Member of this committee. I think he is a gentleman and a very fine legislator. However, I would like to take issue with the initial comments he just made.

First of all, I have been on this committee for I think 12 years, and I have never in my 12 years on this committee seen the antics that I saw last Friday by the Minority that employed every dilatory tactic they could employ to slow down this process.

Now, in commenting on what Mr. Hamilton said, the Majority has to move legislation. And when the Minority resorts to what I consider to be guerrilla warfare—and I understand that term, and I have engaged in it myself on occasion—when they resort to it, the Majority has to use whatever tactics they can employ to move legislation to the floor. I am sorry you haven't seen this in 32 years, but in 12 years I haven't seen the kind of attitude of the Minority like I saw last week.

Now, regarding what Madeleine Albright said before this committee in closed hearing, I would like to comment on Jeane Kirkpatrick, who is believed by many to be one of the finest U.N. Ambassadors we ever had, and what she said on this subject.

I would like by unanimous consent to put in the record the entire article which was in the Los Angeles Times.

Chairman GILMAN. Without objection.

[The article appears in the appendix.]

Mr. BURTON. She told the House committee that the proposed policy would bankrupt U.N. peacekeeping and create chaos. It

would become literally impossible for the United Nations to maintain peace operations.

Quoting Ms. Kirkpatrick, How is that again? Most Americans would find it hard to understand how it would bankrupt the United Nations if the United States paid only its assessed share, particularly since it is almost two and a half times any other country's share of the peacekeeping costs. That is because——

Mr. ACKERMAN. Point of order, Mr. Chairman. The stated time for debate is over, Mr. Chairman.

Chairman GILMAN. The Chair is controlling the time.

Mr. Bereuter.

Mr. ACKERMAN. Point of order, Mr. Chairman.

Mr. BEREUTER. I ask unanimous consent that we be allowed 10 more minutes of debate on this section.

Mr. WYNN. Mr. Chairman, reserving the right to object.

Chairman GILMAN. Would the gentleman state his objection?

Mr. WYNN. Mr. Chairman, if the Chair would be inclined to grant an extension of time, I request that the time be evenly divided between both sides.

Chairman GILMAN. The time will be evenly divided. Without objection, the time has been extended for an additional 10 minutes, to be evenly divided, 5 on each side.

Mr. BURTON. May I finish my comment quickly, Mr. Chairman?

Chairman GILMAN. Mr. Burton.

Mr. BURTON. But that is because most Americans have had no way of knowing that in addition to paying substantially higher assessed peacekeeping costs than any other country in the world, the United States has made many other contributions in kind. And she goes on to say that amounted to up to $3 billion plus in 1993.

Thank you, Mr. Chairman.

Mr. BEREUTER. Mr. Chairman?

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

Using part of our 5 minutes, I would like to perhaps engage——

Mr. LANTOS. Mr. Chairman, did you not indicate earlier that you alternate sides?

Chairman GILMAN. Yes. The time will be evenly divided.

Mr. BEREUTER. Mr. Chairman, I withdraw my request for recognition.

Chairman GILMAN. Mr. Bereuter withdraws his request.

Mr. Lantos.

I have before me the requests from Mr. Lantos, Mr. Hastings, Mr. Rohrabacher, Mr. Brownback, Mr. Bereuter. And I am going to ask if you would limit your time accordingly so that each person will have an opportunity to be heard.

Mr. Lantos.

Mr. LANTOS. I would like the administration to testify as to how our Korean expenditures will be treated under this proposed legislation. What is the total cost and what is the incremental cost per annum for our Korean presence?

Ms. SHERMAN. While Mr. Hall is finding those numbers, let me let him comment, and then I would like to add a comment.

Mr. HALL. The total costs reported to Congress for Korea, about $2.1 billion for 1994. Of that, $1.3 billion is military personnel costs.

When we collect contingency costs for operations, we exclude military personnel costs on the basis that we don't hire anybody for a specific contingency. If we were to put them on the——

Mr. LANTOS. Don't we have a higher rate when they are there rather than when they are in the United States?

Mr. HALL. You are getting me there, Mr. Lantos. I don't know for sure what the exact status is of people in Korea. But I do not believe they get family separation pay because families are with them. They wouldn't get hazardous duty pay in general. I don't think that is the case in Korea.

Mr. LANTOS. Well, clearly if the troops were stationed in this country, the costs of taking families abroad and the additional cost of living in Korea would not be part of the cost, would it?

Mr. HALL. Correct.

Mr. LANTOS. So what is the incremental cost per annum of maintaining our military in Korea?

Mr. HALL. Using that as a basis I can't give you an answer, Mr. Lantos. I don't have the data.

Mr. LANTOS. What figures do you have?

Mr. HALL. The total cost that was reported to Congress was $2.1 billion.

Mr. LANTOS. What is your best estimate of the incremental cost?

Mr. HALL. I do not have that data, sir, but if you were to ask me to put it on the same basis as the contingency cost, I can do that.

Mr. LANTOS. What would that be?

Mr. HALL. $835 million. That would exclude the MILPERS.

Mr. LANTOS. Under the proposed legislation the U.N. would owe us $835 million per annum for our Korean presence?

Mr. HALL. I believe it could be interpreted that way.

Ms. SHERMAN. Yes.

Mr. LANTOS. How else could it be interpreted? Is our presence in South Korea pursuant to a United Nations action?

Ms. SHERMAN. Yes, it is, Mr. Lantos. I think you make a very important point, and that is that many people are discussing these indirect costs as if—or incremental costs as if we do this solely at the behest of the U.N., one, or two, that when we do it under the authority of the U.N., that we won't have to deal with this.

Your point is exactly right. We would be owed that amount by the U.N., and in other situations, we are not—we seek authorization of the U.N. because it is something we want to do that is in our unilateral self-interest, and certainly the security of South Korea is in our self-interest, it is something we want to do, that we do it under an authorization at the U.N. because it is a multilateral responsibility as well, but——

Chairman GILMAN. The time of the gentleman has expired.

Mr. Rohrabacher.

Mr. LANTOS. Thank you very much, Secretary Sherman.

Mr. ROHRABACHER. Before we hear a lot of discussion on details today, what some people would call nitpicking but other people might think important details to verify, we are discussing our col-

league, Mr. Hastings's amendment. I would like to ask Mr. Hastings questions about his amendment.

Now, I am sure that—well, first of all, he reminded us about the importance of precision in language last week. Some of the questions that you were asking about section 101 of this bill were especially provocative in regard to specificity.

I am sure therefore, Mr. Hastings, will you understand if I ask these questions to clarify how in your amendment you are offering to section 501 will work. I note on page 1 of line 14 of your amendment, Mr. Hastings, there is a reference to the total amount. It is in quotes. Total amount that is identified in a report submitted, quote, "pursuant to paragraph 3(c)," end of quote, of the amendment.

As I understand your amendment, this total amount is to be deducted from our annual U.N. peacekeeping assessment. Therefore it is extremely important for us to know what this total amount will be, what costs it will include.

Mr. HASTINGS. Right. May I respond? I ask the gentleman to yield.

Mr. ROHRABACHER. It is just that I don't see any total amount. When you go to section 3(c), I don't see what that is in reference to.

Mr. HASTINGS. Will my colleague yield?

Mr. ROHRABACHER. Yes, certainly.

Mr. HASTINGS. I thank my colleague for yielding.

I salute you for carefully reading the amendment. There was a typographical error. It should read, pursuant to paragraph 3(a)(2) instead of in 3(c).

Quite frankly, at the appropriate time I will ask unanimous consent to strike 3 after the words paragraph. But I am sure the gentleman can appreciate the fact that since section 501 was changed yet again in the latest substitute version of the contract, we have all had to redraft our amendments to conform to the latest version.

Mr. ROHRABACHER. Is there a dollar figure?

Mr. HASTINGS. There is not.

Mr. ROHRABACHER. Then what are you referring, to then? When it says total amount?

Mr. HASTINGS. At the time, as I indicated to you, we made a typographical error, and my intention has always been quite clear, and that is to get accurate costs on the support DOD provides to the United Nations. Quite frankly, I think my colleague knows, nobody knows the amount.

Mr. ROHRABACHER. But your amendment refers to a specific total amount. You are saying now that is because of a typographical error.

Mr. HASTINGS. I indicated to you there was a typo, and if I had time to tell you the three versions of yours that had typos, we would be here all day long.

Chairman GILMAN. The time of the gentleman has expired.

Mr. Brownback.

Mr. BROWNBACK. Thank you very much, Mr. Chairman.

I would like to ask the administration a real quick question, if I could. Folks were talking about that you didn't know the direct

or indirect cost of some of these U.N. operations. Did I catch that right?

Ms. SHERMAN. It is how one defines what direct and indirect costs are. It is not the way it is collected. And part of the complexity with this legislation is knowing what it is people are intending to do other than gut our ability.

Mr. BROWNBACK. Let me sharpen my question. Do you know the direct and indirect costs to the United States?

Mr. HALL. We don't define it this way.

Mr. BROWNBACK. The question is, do you know it.

Mr. HALL. We collect incremental costs. If someone would give me a definition of direct and indirect, I would attempt to take the data and split the costs.

Mr. BROWNBACK. On prior U.N. operations, do you know the direct and indirect costs to the United States?

Ms. SHERMAN. But it depends how you are defining them, Congressman.

Mr. BROWNBACK. Do you define that?

Ms. SHERMAN. No, we don't define direct or indirect.

Mr. BROWNBACK. So you don't define direct and indirect costs before you go into a U.N. operation?

Ms. SHERMAN. No.

Mr. BROWNBACK. So basically we go in and we figure out how much it costs when we get done?

Mr. HALL. We attempt to—we do the best we can given certain parameters to determine what the costs will be in advance of any operation. The incremental costs of any operation. That does not mean it is direct or indirect. Direct or indirect is determined by how the operation relates to——

Mr. BROWNBACK. My point here——

Mr. GEJDENSON. Will the gentleman yield?

Mr. BROWNBACK. No, I will not. My point is, we are going into these things without knowing what they will cost. How do we know if we have the money to fund it?

Mr. Chairman, I will yield back the balance of my time.

Mr. GEJDENSON. Could we have the hear from the witnesses, Mr. Chairman? Could we let the witnesses answer the question?

Chairman GILMAN. Time is limited and we want to reserve 3 minutes for Mr. Hastings.

Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

The assumption for incremental cost and the Department of Defense incremental costs indeed were $1.7 billion for fiscal year 1994. But we would assume that the President under chapter 7 of the Charter of the United Nations would take advantage of the certification procedure on page 32, lines 15 and 17.

And then, according to estimates provided by the Congressional Research Service the incremental cost claims resulting from this provision of services by the Defense Department would be $237 million. Not $1.7 billion. That is according to the CRS. In fact, that is overstated too, because they are calculating Iraq and it would seem to me the President would have designated or asked for a certification under chapter 7.

If he asks for such designation or certification under chapter 7 of the Charter, those incremental costs are not calculated. So we might be talking about something like $200 million for fiscal year 1994 instead of $1.7 billion.

I might say, this gentleman is a gentleman that added the phrase incremental costs to assure that we are not requesting pay for our personnel.

I yield back.

Chairman GILMAN. The time of the gentleman has expired.

The gentleman from Florida is recognized for 3 minutes to conclude.

Mr. HASTINGS. I thank the Chair.

I also would like to have my colleague from California know that the total amount identified in the report submitted pursuant to paragraph 3(c) was the amount identified in the report submitted.

Mr. Chairman, I really want to ask the question, and ask the author of this particular section, what direct means and what indirect means in the context in which it is put forward.

Is there someone of my Republican colleagues that can explain that to me?

Chairman GILMAN. I am pleased to yield to counsel on that question.

Mr. RADEMAKER. Steve Rademaker, chief counsel of the committee.

Could you repeat your question, Mr. Hastings?

Mr. HASTINGS. I am curious as to where the language is used, indirect and direct, what does direct mean, and what does indirect mean? I mean, I know from the dictionary what they mean, but I don't know what they mean in the context in which they are offered here.

Mr. RADEMAKER. I am not sure that the section at any point talks about direct and indirect costs.

Mr. HASTINGS. Indeed it does.

Mr. RADEMAKER. It talks about the incremental costs incurred by the Department of Defense during the preceding year to support other participate in, directly or indirectly, United Nations peacekeeping activities.

Mr. HASTINGS. Well, then, what does that mean?

Mr. RADEMAKER. It is not in reference to indirect costs. Rather it is a reference to activities that indirectly support United Nations peacekeeping activities.

Mr. HASTINGS. Or directly——

Mr. RADEMAKER. Direct activities which would directly or indirectly support United Nations peacekeeping activities.

Mr. HASTINGS. Can you give me an analog of some kind? Some kind of hypothetical situation of some actual indirect and some actual direct?

Mr. RADEMAKER. I think you need to look at particular situations where the United States is involved in supporting United Nations activities. And the judgment would have to be made whether a particular activity undertaken by the U.S. military, either directly or—there is no need to distinguish between directly or indirectly. If it either directly or indirectly supports the activity, then the cost of that activity is to be included in the report.

Mr. WYNN. Will the counsel yield? Just a quick interpretation.

Chairman GILMAN. Mr. Hastings has the time.

Mr. HASTINGS. Reclaiming my time, Mr. Chairman, I know that you want to wrap up this debate. I want to make it very clear that I join very strongly and associate myself with the remarks of the ranking member, Mr. Hamilton. Just the answer that we have gotten from counsel, who I genuinely have great respect for, indicates that we are moving apace on a document that we don't have a complete handle on, and that has been a part of our concern.

Now, don't consider it nitpicking to raise questions of consequence regarding something as important as this.

Finally, Mr. Chairman, the United Nations doesn't have the funds to pay the Department of Defense billions of dollars for operations the United States undertakes unilaterally with the Security Council's blessing. If we kill United Nations peacekeeping, we are left with only two responses to crisis overseas: Do nothing, or do it ourselves.

If we are concerned about United States military readiness, the appropriate place to address that issue is in the Department of Defense authorization and appropriations bill, not by paralyzing the United Nations.

Yesterday's Washington Post, Mr. Chairman, reacted in a similar fashion by saying that at each new emergency, the Republican proposal would force an unacceptable option between, quote, "acting alone and doing nothing."

We cannot afford that, Mr. Chairman. I urge passage of my amendment.

Chairman GILMAN. The time of the gentleman has expired.

Mr. GEJDENSON. Mr. Chairman, I ask unanimous consent——

Chairman GILMAN. The question is on the amendment of the gentleman from Florida. All in favor——

Mr. GEJDENSON. Mr. Chairman, I make a unanimous request to include some statements in the record at this point and to have the counsel at least give Members, and give the counsel, no other Member of this committee, the counsel time to explain or give us an example of direct and indirect. It is a very—I mean, it seems to me we are in a great rush.

Mr. BURTON. Regular order, Mr. Chairman.

Mr. GEJDENSON. We ought to know at least what we are voting on.

Chairman GILMAN. The time has expired on the Hastings amendment.

All those in favor signify by saying aye.

Opposed, no.

The amendment is not agreed to.

Mr. HASTINGS. I ask for a recorded vote, Mr. Chairman.

Chairman GILMAN. A recorded vote is requested. The clerk will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. No.

Mr. GARON. Mr. Chairman is no.

Mr. Goodling.

Mr. GOODLING. No.

Mr. GARON. Mr. Goodling is no.

Mr. Leach.
[No response.]
Mr. GARON. Mr. Roth.
[No response.]
Mr. GARON. Mr. Hyde.
Mr. HYDE. No.
Mr. GARON. Mr. Hyde is no.
Mr. Bereuter.
Mr. BEREUTER. No.
Mr. GARON. Mr. Bereuter is no.
Mr. Smith.
Mr. SMITH. No.
Mr. GARON. Mr. Smith is no.
Mr. Burton.
Mr. BURTON. No.
Mr. GARON. Mr. Burton is no.
Ms. Meyers.
Mrs. MEYERS. No.
Mr. GARON. Ms. Meyers is no.
Mr. Gallegly.
[No response.]
Mr. GARON. Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Mr. GARON. Ms. Ros-Lehtinen is no.
Mr. Ballenger.
Mr. BALLENGER. No.
Mr. GARON. Mr. Ballenger is no.
Mr. Rohrabacher.
Mr. ROHRABACHER. No.
Mr. GARON. Mr. Rohrabacher is no.
Mr. Manzullo.
Mr. MANZULLO. No.
Mr. GARON. Mr. Manzullo is no.
Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce is no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King is no.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim is no.
Mr. Brownback.
Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback is no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk is no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot is no.
Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford is no.

Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon is no.
Mr. Houghton.
Mr. HOUGHTON. No.
Mr. GARON. Mr. Houghton is no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton is aye.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.
Mr. GARON. Mr. Gejdenson is aye.
Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Lantos is aye.
Mr. Torricelli.
Mr. TORRICELLI. Aye.
Mr. GARON. Mr. Torricelli is aye.
Mr. Berman.
[No response.]
Mr. GARON. Mr. Ackerman.
Mr. ACKERMAN. Aye.
Mr. GARON. Mr. Ackerman is aye.
Mr. Johnston.
Mr. JOHNSTON. Aye.
Mr. GARON. Mr. Johnston is aye.
Mr. Engel.
[No response.]
Mr. GARON. Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
[No response.]
Mr. GARON. Mr. Payne.
[No response.]
Mr. GARON. Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews is no.
Mr. Menendez.
Mr. MENENDEZ. Aye.
Mr. GARON. Mr. Menendez is aye.
Mr. Brown.
Mr. BROWN. Aye.
Mr. GARON. Mr. Brown is aye.
Ms. McKinney.
Ms. MCKINNEY. Aye.
Mr. GARON. Ms. McKinney is aye.
Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings is aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn is aye.
Mr. McNulty.
Mr. MCNULTY. Aye.

Mr. GARON. Mr. McNulty is aye.
Mr. Moran.
Mr. MORAN. Aye.
Mr. GARON. Mr. Moran is aye.
Mr. Frazer.
Mr. FRAZER. Aye.
Mr. GARON. Mr. Frazer is aye.
Mr. Leach.
[No response.]
Mr. GARON. Mr. Roth.
[No response.]
Mr. GARON. Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly is no.
Mr. Berman.
[No response.]
Mr. GARON. Is there anyone here who has not recorded their vote?
Chairman GILMAN. The chief of staff will announce the tally.
Mr. GARON. On this vote the ayes are 14, the noes are 22.
Chairman GILMAN. The amendment is not agreed to.
Are there further—the chief of staff will designate the next section.
Mr. GARON. Section 502. Codification of required notice to Congress of proposed United Nations peacekeeping activities.
Chairman GILMAN. Are there any amendments to this section?
Mr. GEJDENSON. Mr. Chairman.
Chairman GILMAN. Mr. Gejdenson.
Mr. GEJDENSON. I would just like to say that, one, I am somewhat stunned by the way the chairman is running the meetings. I would like at this point to ask unanimous consent to include in the time—in the debate on the previous amendment, some information on public support for the United Nations, and support for 59 percent approval for U.S. military participation in peacekeeping, and a 67 percent that the United Nations is good for America's influence around the globe. So I would like to include that in the previous debate.
Chairman GILMAN. Without objection.
[The information referred to was not provided for the printed hearing record.]
Mr. GEJDENSON. I would like to ask the chairman on this section if the chairman is aware where American personnel were used in peacekeeping or other U.N. operations from its inception in 1948. Are we on that section now, where the discussion is on notification of Congress and Congress voting on——
Chairman GILMAN. We are now on section 503. Are there any amendments to section 503?
Mr. GEJDENSON. Mr. Chairman, I have a question on that section.
Chairman GILMAN. Would the gentleman state his question?
Mr. GEJDENSON. Is it my understanding that this is the section that would have the administration get approval from Congress for U.N. personnel, for American personnel to participate in U.N. missions?

Chairman GILMAN. Would counsel respond to the inquiry.

Mr. GEJDENSON. Is that the section we are in?

Chairman GILMAN. We are in section 503.

Mr. RADEMAKER. Mr. Chairman, I am afraid I didn't hear the question.

Mr. GEJDENSON. Is this the section where we would—the administration would have to notify Congress when it utilized American personnel in U.N. activities?

Mr. RADEMAKER. This is a section that requires 15-day advance notice to Congress of any receipt by the United States of a United Nations billing request for assessed contributions.

Mr. GEJDENSON. Thank you.

Chairman GILMAN. Are there any amendments to this section?

If not, chief of staff will read the next section.

Mr. GARON. Section 503, notice to Congress regarding the United States——

Mr. GEJDENSON. Mr. Chairman, there seems to be some debate. I am sorry to interrupt again. Was that 502 that you called up? That is where I had the question. Can we ask the counsel to go back to 502. Is that where the notification process——

Chairman GILMAN. We are on section 502.

Mr. GEJDENSON. And in section 502, is it correct that in that section we have—the administration would have to notify Congress and get congressional approval for personnel to be used in U.N. missions or missions where the United States joined the U.N. Do I have the right section?

Mr. RADEMAKER. Mr. Gejdenson, this section concerns notice to Congress by the administration for various matters related to United Nations peacekeeping activities. It represents an elaboration on notification requirements adopted last year as part of the State Department authorization act.

Certainly there is nothing in here that would require congressional approval in advance of the deployment of United Nations—U.S. forces to participate in United Nations peacekeeping activities.

Mr. GEJDENSON. This section simply asks for notice?

Mr. RADEMAKER. Correct.

Mr. GEJDENSON. Mr. Gilman, I have a question to the chairman.

Chairman GILMAN. The gentleman will state his question.

Mr. GEJDENSON. As I look over, I only have scant information on some of the times we had U.N. personnel involved in actions. Do you see that notice going to the Congress as a whole? Or does it go to the congressional leadership? And is there any snare level? For instance, if the President were to send one American military officer to Sarajevo, does the Congress get notice of that?

Chairman GILMAN. Would counsel respond?

Mr. RADEMAKER. Yes, Mr. Chairman. As I noted a moment ago, the insertion amends provisions in the State Department authorization bill adopted last year that concerned notice to Congress of U.S. participation in United Nations peacekeeping activities, and pursuant to that provision of law over the last 9 months or so a procedure has evolved whereby once a month representatives of the administration, some of whom are in the room now, come and brief principally the congressional staff, staff from this committee, both Majority and Minority, staff from the National Security Committee,

staff from the Appropriations Committee and any other congressional staff that is interested in being apprised on a monthly basis of upcoming developments in the world of United Nations peacekeeping.

Mr. GEJDENSON. So is there—if the United States were involved in some secret negotiations or in an attempt to establish a peace or some end to a confrontation, would it be necessary for the administration in that instance to make public within 30 days the activities?

For instance, I could see a situation like in the Middle East, which at this point is, frankly, more advanced but where the two sides aren't ready to publicly announce that there are negotiations. There may be some negotiations going on through the United Nations. Under this provision, is it necessary if the President were to send an American military officer as part of a negotiating team to a hot spot in the world would it be necessary to make that public within 30 days the way it is drafted?

Mr. RADEMAKER. I am relying in part on my recollection of legal requirements enacted in the State Department authorization bill, and of course those provisions are existing law and I don't have them here in front of me. But I am not aware of any or I cannot recall any provision that would apply to negotiators. Certainly, it was not the intention of the State Department Authorization Act to require notification to the—notification to Congress——

Mr. GEJDENSON. If all you are doing is doing what present law calls for, or is there something else you are doing in this section? That is what I am trying to get at. Are you changing the present procedures?

Mr. RADEMAKER. As the single most important innovation represented in this provision, I would draw your attention to the language beginning on page 35, line 1 where there is a definition of new United Nations peacekeeping operation. This new requirement—actually there is a new definition inserted here to deal with something that I think many of us who were receiving these administration briefings were concerned about, and that was the fact that under existing law there are different requirements on notification with regard to the renewal of existing operations as compared with the authorization of a new peacekeeping operation, and to cite a specific example in the case of Rwanda, prior to the very bad situation that evolved there there had been a small United Nations peacekeeping operation and after the bloodshed that took place, that very small operation was increased dramatically in size and the mandate was changed significantly and though those of us on the staff level would have expected that—expected notification of that dramatic change in the peacekeeping operation to be treated a notification of a new peacekeeping operation because it was so different from the old one, in fact the administration treated it as a renewal of an existing operation and applied different procedures on notification. This new definition here is intended to make sure that when there is a dramatic change in a peacekeeping operation——

Mr. GEJDENSON. Could we hear from the administration on that, then?

Ms. SHERMAN. I want to explain—Wendy Sherman, State Department, Assistant Secretary for Legislative Affairs. I want to make sure that all of the members of the committee understand, particularly those who were not privileged to be part of the State reauthorization process last year, that this was a very carefully negotiated agreement between Minority and Majority as to how to conduct monthly peacekeeping briefings to increase the level of consultation, which we all want to do with Congress around peacekeeping operations.

One of the reasons to have it as an oral rather than as a written presentation is to keep it very current. If you require of us a monthly written notification of all operations, both new and existing—as you know, we have an interagency process, I can assure you, fortunately or unfortunately, just because people have to peruse these things, just like you all have a committee process, we have an interagency process. By the time a written report would go through the interagency process to be cleared by everyone, it would probably be OBE by the time it came up here, and the reason to have them as oral reporting sessions, and we have folks come up and they will stay as long as people have questions, is to make sure that we are as current as possible with both existing and new operations.

If you want us to do this in writing, I want to assure that it will not be as timely as an oral report. It will be OBE by the time it gets here and it will take an enormous amount of staff time and effort, which is a cost to the U.S. taxpayer to get you information that will be old by the time it gets up here.

I understand the desire for accountability and that is why we instituted these monthly peacekeeping briefings so we could give you very current information and information even in advance of votes so that we truly could be a consultative process.

Chairman GILMAN. The Chair appreciates the comments of the witness and the inquiry.

Are there any further amendments to section 502? If not, the chief of staff will designate the next session.

Mr. GARON. Section 503, notice to Congress regarding United States contributions for U.N. peacekeeping activities.

Chairman GILMAN. Are there any amendments to section 503?

If there are no amendments to 503, the chief of staff will designate the next section under our jurisdiction.

Mr. GARON. Section 504, revised notice to Congress regarding United States assistance for United Nations peacekeeping activities.

Chairman GILMAN. Are there any amendments to section 504?

If there are no amendments to 504, the chief of staff will designate the next section.

Mr. GARON. Section 505, United States contributions to United Nations peacekeeping activities.

Chairman GILMAN. Are there any amendments to section 505?

If there are no amendments to 505, the chief of staff will designate the next section.

Mr. GARON. Section 506, reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities.

Chairman GILMAN. Are there any amendments to section 506?

If there are no amendments to 506, the chief of staff will designate the next section.

Mr. GARON. Section 507, prohibition on use of funds to pay United States assessed or voluntary contribution for United Nations peacekeeping activities unless Department of Defense reimbursed by United Nations for certain goods and services.

Chairman GILMAN. Are there any amendments to section——

Mr. HAMILTON. Mr. Chairman, this is the point I mentioned the other day. I ask unanimous consent to reserve at this point the right for Mr. Berman or his designee to offer amendments to this section at a later time before the end of the markup.

Chairman GILMAN. Without objection, so ordered.

The chief of staff will read the next section.

Mr. GARON. Section 509, codification of limitation on amounts of United States assessed contributions for United Nations peacekeeping operations.

Chairman GILMAN. Are there any amendments to section 509.

If there are no amendments, chief of staff will designate the next section.

Mr. GARON. Section 510, buy American requirement.

Chairman GILMAN. Are there any amendments to section 510?

If there are no amendments, chief of staff will designate the next section.

Mr. GARON. Section 511, United Nations peacekeeping budgetary and management reform.

Chairman GILMAN. Are there any amendments to section 511.

If there are no amendments to 511, the chief of staff will designate the next section.

Mr. GARON. Section 512, conditions on provision of intelligence to the United Nations.

Mr. HAMILTON. Mr. Chairman?

Chairman GILMAN. The gentleman from Indiana.

Mr. HAMILTON. At this point you and I have an amendment. I ask that it be distributed.

Chairman GILMAN. Would the chief of staff read the amendment.

Mr. GARON. Amendment offered by Mr. Hamilton to the amendment in the nature of a substitute to H.R. 7. Page 50, strike line 13 and all that follows through line 9 on page 53 and insert the following and make——

Mr. HAMILTON. Mr. Chairman, I move that the amendment be considered as read and open for amendment.

Chairman GILMAN. Without objection, the amendment is considered as having been read.

[The amendment offered by Mr. Hamilton follows:]

AMENDMENT OFFERED BY

TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 7

Page 50, strike line 13 and all that follows through line 9 on page 53 and insert the following (and make appropriate conforming amendments):

SEC. 512. CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding the following new section:

"SEC. 12. (a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—Before intelligence information is provided by the United States to the United Nations, the President shall ensure that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established guidelines governing the provision of intelligence information to the United Nations which shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)).

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently

than semiannually, to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate on the types of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, within 15 days after it becomes known to him, any unauthorized disclosure of intelligence provided to the United Nations.

"(2) The requirement for periodic reports under the first sentence of paragraph (1) of this subsection shall not apply to the provision of intelligence that is provided only to, and for the use of, United States Government personnel serving with the United Nations.

"(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

"(d) IMPROVED HANDLING OF INTELLIGENCE INFORMATION BY THE UNITED NATIONS.—The Secretary of State (or the designee of the Secretary), in consultation with the Director of Central Intelligence and the Secretary

of Defense, shall work with the United Nations to improve the handling, processing, dissemination, and management of all intelligence information provided to it by its members.

"(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413–415).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 45 days after the date of the enactment of this Act.

Chairman GILMAN. With regard to section 512, it deals with the matter of sharing U.S. intelligence information with the U.N. We share jurisdiction over this section with the Intelligence Committee, and in consultation with the administration they have reached a bipartisan agreement within that committee on substitute language for the current section 512.

That agreement was approved by the Intelligence Committee in its markup of H.R. 7 last Friday. And it is now incorporated in the amendment that has been offered to section 512.

I am prepared to defer to the Intelligence Committee on that section and for that reason I am pleased to support the amendment, and I recognize the gentleman from Indiana, Mr. Hamilton, for five minutes.

Mr. HAMILTON. Mr. Chairman, I thank you for the recognition, and I just want to support what you have said. I don't see any reason for extended discussion unless there are questions from Members. The Chairman and I worked with Mr. Combest, the Chairman of the Intelligence Committee and Mr. Dicks, the Ranking Member. There was unanimous agreement in the Intelligence Committee in support of the amendment that the Chairman and I are offering now. And if there is no question, I move we adopt the amendment.

Chairman GILMAN. The motion has been made.

Mr. TORRICELLI. Would the gentleman yield?

Chairman GILMAN. Mr. Torricelli.

Mr. TORRICELLI. Thank you, Mr. Chairman.

I wanted to repeat that, in fact, as a Member of the Intelligence Committee that the amendment offered by the Chairman and the Ranking Member is, indeed, consistent with actions taken by the Intelligence Committee. It was the unanimous judgment of that committee that this protects the interests of the intelligence community. The language is identical to that that was supported in the committee. I thank the gentleman for yielding.

Chairman GILMAN. Is there any further debate on the amendment?

If there is no further debate, all in favor signify in the usual manner. Opposed?

The amendment is adopted.

Are there any further amendments to this section?

Mr. BEREUTER. Mr. Chairman, I have an amendment which would create a new section 513, which I would like the clerk to read in its entirety to expedite the process and that it may be distributed to the Members.

Chairman GILMAN. Which section is the gentleman referring to?

Mr. BEREUTER. It would create a section 513.

Chairman GILMAN. Would the clerk please distribute the amendment. The gentleman is offering an amendment. The chief of staff will report the amendment.

Mr. GARON. Section 513, policy regarding reimbursement for costs relating to United Nations peacekeeping activities, the amendment offered by Mr. Bereuter in the nature of a substitute to H.R. 7.

Page 53, after line 9, add the following new section and make appropriate conforming amendments.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent the amendment may be considered as read and I be allowed to explain it.

Chairman GILMAN. The amendment is considered as read and without objection.

[The amendment offered by Mr. Bereuter follows:]

AMENDMENT OFFERED BY MR. BEREUTER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 7

Page 53, after line 9, add the following new section (and make appropriate conforming amendments):

SEC. 513. POLICY REGARDING REIMBURSEMENT FOR COSTS RELATING TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

It is the sense of the Congress that—

(1) no member nation of the United Nations should be compensated for contributions for United Nations peacekeeping activities in an amount greater than the amount such nation expends for pay and allowances for personnel of the armed forces of such nation, credit for longevity and retirement of such personnel, other perquisites appertaining to the duty of such personnel, and related incremental costs incurred by such nation; and

(2) the President should direct the United States representative to the United Nations to pursue policies that limit the ability of a member nation of the United Nations to receive compensation for contributions for United Nations peacekeeping activities in an amount greater than the amount such nation expends for pay and allowances for personnel of the armed forces of such nation, credit for longevity and retirement of such personnel, other perquisites appertaining to the duty of such personnel, and related incremental costs incurred by such nation.

Mr. BEREUTER. Mr. Chairman, what——

Chairman GILMAN. Mr. Bereuter is recognized for five minutes.

Mr. BEREUTER. My colleagues, this amendment would express a sense of Congress that no member of the United Nations should be compensated for its peacekeeping contribution at a rate greater than that nation's standards for pay and allowance, credit for longevity and retirement, other perquisites appertaining to such duty, and the incremental costs incurred by that nation.

The United States representative to the United Nations is directed by this sense of Congress to pursue policies that limit the ability of any nation to receive compensation for peacekeeping contributions at a level greater than the nation's standard for pay and allowances, credit for longevity and retirement, and other perquisites relating to such duty and incremental costs incurred by the nation.

Right now we have a situation where many countries are, frankly, making an extraordinary amount of money by the use of their personal—their Armed Services personnel in particular. Occasionally, we have it happening with respect to police activities. I think when one begins to look into this matter you will find that in some cases personnel performing normal police activities are being reimbursed to the extent of over $100,000 a year, which is many times as much as 10 times what it is really costing their government to pay for their salary and all benefits.

Now, we can't require this change but I think it would be appropriate to ask our Ambassador to the United Nations to push for a reimbursement only for true peacekeeping costs for the nations that are providing that personnel and equipment. And that is the purpose of this sense of the Congress section which I am proposing to add.

I will be happy to yield to any questions, if there are any.

Mr. HAMILTON. Mr. Chairman?

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. Could we have the administration comment on the impact of this language?

Ms. SHERMAN. Wendy Sherman from the State Department. As you know, Congressman Bereuter, money that goes from the U.N. does not go to individual soldiers, it goes to governments and the governments then make payments. The effect of this would be that we would probably lose the following peacekeepers around the world, just to give you some comparative numbers, but the impact would be that these countries would not be able to deploy peacekeepers if your amendment were adopted.

Poland currently has 2,000 peacekeepers. Bangladesh, 4,271. Pakistan, 9,100. Argentina, 1,500. Ghana, 1,700. Jordan 3,600. Kenya, a thousand. Malaysia, 2,900. Nepal, 1,600. And the U.S., only 900. So if we are to implement your amendment, it would mean that all of the peacekeepers and more—I am just giving the committee some examples of peacekeeping forces that we would lose around the world if Congressman Bereuter's amendment were to be adopted.

Mr. HAMILTON. Madam Secretary, the Secretary General, as I recall, now has enormous difficulties in recruiting peacekeepers. What is the impact of this amendment—recognizing that it is a

sense of the Congress—but if it were implemented, what would be the impact on the recruitment of peacekeepers?

Ms. SHERMAN. I think that you would not only see all the peacekeepers I just listed disappearing but many more besides, and I think the onus on the United States to increase its peacekeeping troops as probably other G–7 nations, which are the wealthier nations, would increase substantially, and it is, in fact, one other way to gut U.N. peacekeeping around the world and really to undermine what the U.N. is trying to do. So I think that the Secretary General would probably have to close up shop.

Mr. GEJDENSON. Mr. Chairman?

Mr. ROHRABACHER. Mr. Chairman.

Mr. GEJDENSON. I would like to ask Mr. Bereuter a question. I don't think it necessarily——

Chairman GILMAN. The gentleman hasn't been recognized. The time of the gentleman has expired. Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, this is again demonstrating that whatever the Republicans come up with, a cost saving measure, what we find is apocalyptic predictions that the whole world will disappear or the United Nations will disappear. Here we have my colleague who is proposing an amendment to try to save some money in a justifiable area.

Mr. ACKERMAN. Parliamentary inquiry, Mr. Chairman. I am sorry to interrupt.

Mr. ROHRABACHER. I am sorry you have to interrupt.

Chairman GILMAN. Are you asking the gentleman to yield?

Mr. ACKERMAN. No, I am asking a question of the Chair. Was it not your intention to alternate and split the time evenly? Thank you very much.

Chairman GILMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, before I go on, I would like to compliment you on the way you are handling the Chair. Since the beginning of this hearing, we have seen delaying tactics, roadblocks, obstructionism, and discourtesy on the other side of the aisle towards the Chair and towards the other Members of this committee. And I would like to compliment you on the way that you are handling it and maintaining your own temper given this situation.

I don't remember in the six years I have been in Congress having participated in any hearing that I acted in such a manner. And I don't doubt some of my other Members of my colleagues, Republican colleagues had at some time acted in a questionable manner, but I have never participated in that type of activity.

I would yield to Mr. Bereuter now to further defend his amendment.

Mr. BEREUTER. I thank the gentleman for yielding on his time.

I would say to the Secretary, I have reviewed the numbers you have given me. I was quite aware of them. But I really think there is something very wrong with this system when countries are making perhaps a thousand percent profit on the soldiers that they are providing or the policemen that they are providing. We need to have some reform in this area.

We have mercenary peacekeepers out there today. The United States should not be reimbursed for anything but real costs. Fijians

should not be reimbursed for anything but real costs. You can name any one of the many countries that to their credit provide peacekeeping activities. I think it is appropriate for us to begin to say we need to reform the whole system so that the countries that are providing peacekeepers are making that commitment not to earn money, not for financial reasons but simply doing it, because it is the important thing to support the United Nations and peacekeeping or peace enforcement activities. I think the sense of the Congress language is appropriate for that respect.

I thank the gentleman for yielding.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. I would ask Mr. Bereuter some questions. The broad principle I have some problem with only because what you would then argue is that the only way you could have an American and a Bangladeshi in the same unit taking the same risk is I imagine the Bangladeshi would have to be paid what a Bangladeshi soldier is paid when he is at home and you pay an American soldier what an American soldier is paid, so you might have a significant differential for two people taking the same risk. So I have some problem with that because, you know, what you are then doing, you are in a sense demanding that the poor nation work for poor wages and the wealthier——

Mr. MANZULLO. Would the gentleman yield?

Mr. GEJDENSON. I would like to keep my dialogue with Mr. Bereuter because I find him someone that I often agree with.

Mr. BEREUTER. Would the gentleman yield?

Mr. GEJDENSON. Yes, I would be happy to yield.

Mr. BEREUTER. I thank the gentleman for yielding.

The reimbursement break in salaries and benefits for these soldiers are based upon cost of living and what is necessary to pay those soldiers in that particular country. And the soldier is not benefited any more by serving in some dangerous location. He is still a Bangladeshi soldier, he is still paid the same thing if he is stationed stateside in Bangladesh.

Mr. ACKERMAN. Would the gentleman yield?

Mr. GEJDENSON. I would like to go for a few more minutes. How do you get to the $100,000 figure, then? The country then bills a higher number, is that correct, and there is no benefit to that soldier?

Mr. BEREUTER. That is correct.

Mr. GEJDENSON. And so what you would then be asking is the country which would most often have less interest in international affairs than the United States since we are such a central pyre internationally, what would be the country's motivation to participate in United Nations peacekeeping? So for instance, one of the things we don't want to do if there is a peace agreement in the Golan is have a heavy presence of Americans because we do have such a prominent role we tend to be targets of terrorist groups and others whereas Bangladeshi and others might not.

How would you entice Bangladesh to participate in the peacekeeping effort on the Golan which would obviously be a benefit to most of the world but obviously the United States has a greater interest?

Mr. BEREUTER. Would the gentleman yield?

Mr. GEJDENSON. I would be happy to.

Mr. BEREUTER. I think the last thing we should be doing is providing enticement for a nation to go out and make money by the use of their soldiers. That should be the very last motive a country has to peacekeeping activity and that is exactly what we have in place right now.

Mr. GEJDENSON. That is what we have in this country.

Mr. BEREUTER. No, we don't.

Mr. GEJDENSON. Reclaiming my time for a second. You generally don't find great numbers of volunteers in the military from the top 1 percent of the economic power in this country. There is a reason for that. Because it is an amount of money that is so insignificant to them that the reimbursement has no attractiveness.

The reality is in this country, which is much more dramatic than Bangladesh and other countries, most of the people who volunteer in the military come from the lower economic rungs because it is a chance to reach up and move forward a little bit. I think the gentleman's idea is not a bad one. In a perfect world everyone should be participating in risk equally without relevance to their own country's economic situation. I think the reality will be is that it will only be Americans who will end up on the frontline because the Bangladeshis will see nothing in their own national interests to participate in most of these conflicts. So you put more persons at risk.

Mr. BEREUTER. If the gentleman would yield?

Mr. GEJDENSON. I would be happy to.

Mr. BEREUTER. That is a pretty severe indictment and commentary on the other countries that are supposedly involved in the United Nations to keep peace in the world. I would hope this is a real test; I would hope in fact that is not the only motive they have to peacekeeping.

Thank you for yielding.

Mr. HAMILTON. Would the gentleman yield a moment?

Mr. GEJDENSON. It is my time. I would be happy to yield.

Mr. HAMILTON. Mr. Bereuter, I just want to give you my observations on this. First of all, I really do not disagree with you that the current system certainly needs review. And it may very well be that there is a better way to do it than the current way.

We do have a tremendous problem in the United Nations in attracting a sufficient number of peacekeepers, and that is a formidable problem and most of these peacekeepers in the 17 peacekeeping operations today are serving in areas and doing tasks that American Presidents over a period of many years have approved and recognized that it is in the American national interests to have them doing what they are doing. There may be a better way to do it.

Now, what bothers me about your amendment is that the United States Congress kind of unilaterally comes along and tells the United Nations what we think the system ought to be. And I am not sure that is the best way to have the greatest influence in bringing about a change. And if your proposal were put into effect, I think the problem that then remains is how do you get additional peacekeepers when you need them?

I think all of this needs to be reviewed. I am fully supportive of that and I think you have put your finger on an important problem in the United Nations, but this approach and its unilateral aspects disturb me, and those of us who find problems with the present system I think have a burden upon us to try to figure out how to solve the problem. And the problem is, how do you get 100,000 peacekeepers.

Chairman GILMAN. The time of the gentleman has expired.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent, and I appreciate the indulgence of the Chair, to withdraw my amendment.

Chairman GILMAN. The gentleman's amendment is withdrawn.

Are there any further amendments to Title V?

If there are no further amendments, the chief of staff will designate the next section.

Mr. GARON. Section 601, short title.

Chairman GILMAN. The chief of staff will designate the next section.

Mr. GARON. Section 602, findings.

Chairman GILMAN. Mr. Bereuter?

Mr. BEREUTER. Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. The clerk will distribute the amendment. The chief of staff will read the amendment.

Mr. GARON. Amendment offered by Mr. Bereuter to the amendment in the nature of a substitute to H.R. 7. On line 2 of page 55, delete the phrase beginning with the word "Czech" and all words following through the word "Ukraine," on line 4 of page 55.

[The amendment offered by Mr. Bereuter follows:]

AMENDMENT OFFERED BY MR. BEREUTER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 7

On line 2 of page 55 delete the phrase beginning with the word "Czech" and all words following through the word "Ukraine," on line 4 of page 55.

Chairman GILMAN. Mr. Bereuter is recognized for five minutes.

Mr. BEREUTER. Mr. Chairman, it is possible that my amendment could be misunderstood by some countries, but I think failing to enact it does far more damage than leaving this subject unaddressed.

Now, we have a great number of countries that have already become members of Partnership for Peace. There will be others that join. I think by specifying these eight countries among all of those that have become members of Partnership for Peace, we raise all kinds of questions and we seem to establish something of a pecking order within the Partnership for Peace.

Later on we have provisions which set timetables for the consideration of membership for four countries, the so-called Visegrad four countries, but I think it does no advantage, it is not advantageous to name these eight countries.

I know some of you have ethic groups represented in your own district that are very important in your own constituencies. I myself do among these eight. But I think we would be better off if we simply adopted my amendment by voice vote and eliminated any

description of which of the eight Partnership for Peace countries we are talking about.

Mr. GOODLING. Would the gentleman yield? I think you want to begin with the word "including" rather than the word "Czech" for your deletion.

Mr. BEREUTER. I think the gentleman is right and it was misdrafted. I ask unanimous consent that the words "including the" be added as the deletion.

Mr. GEJDENSON. Mr. Chairman, would the gentleman yield for one moment? Does the gentleman wish by his amendment to——

Chairman GILMAN. Is the gentleman yielding?

Mr. BEREUTER. I would be pleased to yield.

Mr. GEJDENSON [continuing]. To remove reference to any named country in all the other references as they occur on several following pages.

Mr. BEREUTER. I do not. There are different cases on several. I am only wanting to address this one at this moment.

Mr. GEJDENSON. Okay.

Chairman GILMAN. Are there any other comments, further debate on this amendment?

If there is no further debate on the amendment, those in favor will signify in the usual manner. Opposed?

The amendment is adopted.

The chief of staff will designate the next——

Mr. TORRICELLI. Mr. Chairman.

Chairman GILMAN. Are there further amendments to 602? Mr. Torricelli.

Mr. TORRICELLI. Mr. Chairman, I have an amendment filed with the clerk, Mr. Chairman.

Chairman GILMAN. Is that to section 602?

Mr. TORRICELLI. It is, Mr. Chairman.

Chairman GILMAN. Would the clerk distribute the amendment.

Mr. TORRICELLI. Mr. Chairman, my amendment addressing sections 602, 603——

Chairman GILMAN. Would the gentleman hold? Would the gentleman suspend until we have the amendment read and distributed?

The chief of staff will read the amendment.

Mr. GARON. Amendment offered by Mr. Torricelli to the amendment in the nature of a substitute to H.R. 7.

Page 55, strike line 6 and all that follows through line 10 and insert the following, (1), the Partnership for Peace program is creating new political and military ties——

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman GILMAN. The amendment is considered as read.

[The amendment offered by Mr. Torricelli follows:]

AMENDMENT OFFERED BY MR. TORRICELLI TO THE AMENDMENT IN A NATURE OF A SUBSTITUTE TO H.R. 7

Page 55, strike line 6 and all that follows through line 10 and insert the following:

(11) The Partnership for Peace program is creating new political and military ties with countries in Central and Eastern Europe and provides the basis for joint action to deal with common security problems. Active participation in the Partnership for Peace will also play an important role in the evolutionary process of NATO expansion.

Page 57, beginning on line 6, strike "not" and all that follows through line 8 and insert "in the near future,".

Page 57, beginning on line 10, strike "not later than that date".

Page 58, beginning on line 21, strike "not later than January 10, 1999; and" and insert a semicolon.

Page 58, after line 22, insert the following new paragraphs:

(7) that the expansion of NATO should be defensive in nature and should occur in a manner that increases stability for all nations of Europe, including both NATO member nations and non-NATO member nations;

(8) that NATO and its member nations should cooperate closely with Russia on security issues and work to strengthen other structures of security cooperation in Europe, including the Organization on Security and Cooperation in Europe; and

Page 58, line 23, strike "(7)" and insert "(9)".

Page 58, beginning on line 24, strike ", including" and all that follows through "Ukraine,".

Page 59, strike line 10 and all that follows through line 11 on page 62.

Page 62, line 12, strike "(c)" and insert "(a)"

Page 62, line 14, strike "such Act" and insert "the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note)".

Page 62, strike lines 23 and 24 and insert the following:

(A) IN GENERAL.—Section 203 of such Act is amended by adding at the end the following new subsection:

Page 63, line 1, strike "(f)" and insert "(g)".

Page 63, strike line 12 and all that follows through line 2 on page 64 and insert the following:

(b) CONFORMING AMENDMENT.—Subsection (d) of such Act is amended in the matter preceding paragraph (1) by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

Page 64, line 3, strike "(e)" and insert "(e)"

Page 64, line 7, strike "first word;" and insert "first word; and".

Page 64, line 9, strike "; and" and insert a period.

Page 64, strike line 10 and all that follows through line 13.

Page 64, line 14, strike "(f)" and insert "(d)".

Page 64, strike line 18 and all that follows through line 20 on page 65 and insert the following:

"SEC. 206. NATO DEFINED.

"For purposes of this title, the term 'NATO' means the North Atlantic Treaty Organization.".

Chairman GILMAN. The gentleman is recognized for five minutes.

Mr. TORRICELLI. Mr. Chairman, my amendment addressing section 602, 603, and 604 dealing with similar or identical subjects, I would ask unanimous consent that they be considered together en bloc as a single amendment.

Chairman GILMAN. If there is no objection, they will be considered en bloc.

Mr. TORRICELLI. Mr. Chairman, in the Contract With America before this committee, the Majority rightfully deals with a radically changed security situation in Eastern Europe. It rightfully deals with the fact that NATO is in a completely different situation. And that our national security and the implications that arise from this change need to be reconsidered.

It is my judgment, however, Mr. Chairman, that in the draft before us, the sponsors may have gone further than they otherwise intended. There are two central elements of the bill which I think should be revisited. First, a date certain is set for NATO entry of specific states in Eastern Europe. Second, the states of Eastern Europe are decided into two tiers, that is four states gain admission in 1999, three states in the Baltics and the Ukraine at some date thereafter.

I believe, Mr. Chairman, while I am sympathetic with the objectives of the legislation in securing a security relationship with the states of Eastern Europe, both of these items in their specificity may be ill-advised.

Mr. Chairman, NATO membership is more than participation in a debating society or a club. Membership to NATO means very simply pledging the United States to go to war to defend another nation. It is a promise of war. Whether or not each of these governments are of the type that we want to defend them with the security of our own country, whether or not they have the necessary economic or political or security importance that we would extend the American nuclear umbrella, I believe, Mr. Chairman, is an open question.

It is, however, clear that extending this American nuclear umbrella over all of these States involves enormous danger. There is great uncertainty at the moment in the future political stability of the predominant power in the region. The United States, rightfully or wrongly, has a declining defense budget and not an expanding defense capability. Meaning that realistically most of these states could only be defended with nuclear weapons.

Mr. Chairman, I think it is also fair to say that the process which this Nation needs to go through before ever pledging its honor, its security, the life of its citizens is substantially more involved than we intend to engage today or indeed in this Congress involving a variety of things the Nation has not yet decided upon.

When this country decided that it would exchange its life for the possibility of a nuclear exchange with Germany, Italy, Britain, and France, we did so because we decided that the United States could not endure economically, politically, or militarily unless Western Europe were free. Like my other colleagues, I sincerely hope that Eastern Europe remains free. I hope that it can secure itself, but I am not convinced that the American people are prepared to pledge their honor to go to war if it is not.

I would remind my colleagues that in 1939, Great Britain pledged that if the Polish frontier were ever crossed, it would go to war. There was no debate in the British Parliament about their military capability of doing so. There was little discussion whether or not Britain could survive if indeed it happened. War was inevitable in Europe. That was understood. But on September 1, 1939, Britain found itself at war at a place and time that may not have been of its choosing because of an idly made pledge.

I believe, Mr. Chairman, we would be ill-advised with great specificity to make that pledge today. The intentions of the drafters of the legislation are honorable and I believe they provide guidance to the committee.

Consistent with the Partnership for Peace, and the intentions of the Majority of this committee, I believe we should make clear our hope that each of these Eastern European nations gain access at some point to NATO. Upon that, I think on a bipartisan basis we can agree.

Chairman GILMAN. The gentleman's time has expired.

Mr. TORRICELLI. With the committee's indulgence, I will conclude almost immediately.

Second, Mr. Chairman, I believe that we should remove the separation of the Baltic States and Eastern Europe from the bill. Because it would mean that we are separating our security interests among those nations. That is a virtual invitation to a future authoritarian government in Russia to make clear that we regard Poland as important but the Ukraine and the Baltics as less important. We do not believe it is anyone's intention to divide a new line across Europe. It would be ill-advised. I would hope we would remove that distinction. My amendment at a minimum does both of those things, and I appreciate your patience in allowing.

Mr. GOODLING. Would the gentleman yield?

Mr. TORRICELLI. Unfortunately, I believe my time has expired.

Mr. GOODLING. I think we will give you 30 seconds.

Mr. TORRICELLI. I would be happy to yield.

Mr. GOODLING. It would be much easier for us if you would divide this into two, I believe. It would appear to me that there wouldn't be much debate on anything on page 1 and the beginning of page 2 down to where you begin with page 59. So if you were to have that part as a separate amendment——

Mr. TORRICELLI. If I could ask the gentleman, at what point does he find in controversy that he would like considered separately?

Mr. GOODLING. I think if you divide it into two amendments, and your first amendment goes down to the middle of page 2 where you have page 58 beginning on line 4 strike "including" and all that follows through, Ukraine, stop there as your first amendment, and then offer the rest as a second amendment.

Mr. TORRICELLI. Mr. Chairman, I am prepared to do that. It is my hope to get a bipartisan support for the entire amendment. If this helps its adoption, I would ask unanimous consent the amendment be separated in two parts and to proceed on that basis.

Chairman GILMAN. Without objection, the amendment is now divided into two parts.

Mr. TORRICELLI. Mr. Chairman, if the member is willing to speak. I didn't see anyone seeking recognition, before that——

Mr. SMITH. Mr. Chairman, if I could speak briefly?

Chairman GILMAN. I want to speak on the proposal. Frankly, I am a little puzzled by the objection as coming from the Minority with regard to the NATO provisions. Not one Member of this committee opposed enactment into law of the NATO Participation Act, which we enacted the end of the last session.

Further, six current Minority Members of the committee were cosponsors of that legislation in the last Congress, and I would like to point out to those members that the bill before you is nearly identical to that bill. The differences between this legislation and the NATO Participation Act which we adopted are as follows: This legislation mandates the President establish a transition assistance program. The NATO Participation Act does not do that. Secondly, this legislation designates Poland, Hungary, the Czech Republic, and Slovakia as eligible for assistance under that program and the NATO Participation Act does not.

These are not fundamental differences. There are differences which make it more likely that our Nation will actually provide assistance to countries which we believe some day should become NATO members. These differences do not guarantee NATO membership. They only start certain nations down that track, and I believe that is where our policy should be and I think many of my colleagues agree with that.

It is my firm conviction that NATO will not expand without American leadership, and to move the process forward I think it is useful for the Congress to be pushing the administration on this matter. Clear criteria, reasonable target dates are a way of Congress telling both the administration and our European friends that we are serious about expanding NATO.

Mr. GEJDENSON. Mr. Chairman.

Mr. SMITH. Mr. Chairman.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. As one of the sponsors of that legislation, I would say, one, that legislation was signed into law November 2, 1994. And what that legislation did was not specifically identify countries, and I think that is a terribly important part of it, because what happens here is countries have to be ready to militarily coordinate with the United States and I imagine that means there are some communications and other activities.

Countries not in this list may be ready at different times, maybe some before, maybe some after. I think everybody ought to give the law that was signed, that you were a cosponsor of 2 or 3 months ago, a chance to go into effect without kind of setting up a stage where Poland is being punished because it wasn't included by the date certain or Hungary or the Slovak Republics or the Baltic States.

What we need to do is include these countries as they are ready and as it meets American national security interests; when they are able to play a role, when they have assets that we can coordinate with, and not by the simple, you know, kind of statement that these are our four favorite former Soviet countries and the others aren't.

And it seems to me as somebody who can claim to have come from both Lithuania and Poland, depending on what date you

Chairman GILMAN. The gentleman's time has expired.

Mr. SMITH. Mr. Chairman, may I respond for a minute? May I have an additional minute?

Chairman GILMAN. I am recognizing Mr. Hamilton. We will come back to you. Mr. Hamilton.

Mr. HAMILTON. I thank the chairman, and I want to speak in support of the Torricelli amendment. I do think it is terribly important to recognize the importance of this debate. I just don't agree with those who suggest it is merely a tilt or a step. Words are terribly important here, and what you are really dealing with is a very complex and very fluid process that is now taking place in Europe on the new security structures, including NATO expansion. And what this provision in H.R. 7 does, and what Mr. Torricelli is trying to strike, is the micromanagement of that process and telling the President exactly how he is going to deal with the question of NATO expansion.

My colleagues, you just can't do that in a matter of this complexity and that would extend over a long period of time.

The chairman is right that we all signed on to the new Partnership Act, the NATO Participation Act, last fall. That was only signed into law 2 months ago. And now we are coming along trying to change things completely.

That act, for example, gave the President discretion to use foreign assistance to help countries get ready for membership in NATO. This act, or this bill as proposed, mandates it. It mandates that he provide assistance only to four countries. It mandates or tries to mandate a date certain for NATO membership.

Now, all of those things are extreme micromanagement by the Congress of an exceedingly difficult security process. Secretary Christopher reminded us that if we lock in advantages for certain countries—and that is what we are trying to do here, we are trying to lock in an advantage for four countries—then that is going to discourage reformers in countries not named, and it is going to foster complacency in countries that are named, and it is going to have a devastating impact on the morale of the countries that are not designated.

Setting dates certain for NATO membership for some countries and not for others is going to raise hopes in some countries and dash hopes in other countries throughout Europe. And it is going to make it much, much more difficult for this administration or any administration a couple of years from now—because this is going to be a process that is going to go on for 10 or 20 years—to manage this complex and fluid process that is now underway. And so I don't see this as just a step. I don't see it as a minor amendment. I think we are sending a very, very important signal if we go ahead with the adoption of this language. And I think premature moves to expand NATO are going to draw very dangerous lines in Europe today. We have a chance to avoid that.

Now, I also want to say that when the Congress, by whatever kind of language, says that we want to expand NATO to four countries, all of us have to recognize that that has no legal impact at all. We can't do that by an act of Congress. You don't expand NATO by passing a law in the U.S. Congress. You expand NATO by the action of all of its members, 16, I think, and they have to

do it by their respective constitutional processes. And so do we. And that means that each country has to be approved for NATO membership by the United States Senate by a two-thirds vote. So on the one hand, if we pass this language as drafted in H.R. 7, we are simply giving gratuitous advice, with no legal effect. But the disadvantage of it is is that we are sending very wrong signals, I think, about the future of Europe. In other words, we are beginning to divide Europe, and we are messing around with the executive authority to conduct foreign policy and hamstringing the President as he tries to manage this difficult process of the security structure of Europe in the next 10 years.

Chairman GILMAN. The gentleman's time has expired. Mr. Smith.

Mr. SMITH. Mr. Chairman, if it were so as the distinguished Ranking Member said that designating a country sends such an awful signal, then if the President so designates any country he, too, would be sending such a signal.

I would again ask the members of this committee to look at the text of the underlying language. It names four countries, leaves open the very real possibilities that other countries could be named as well, leaving that to the President.

If we are going to be so stymied and paralyzed when we name one country for transitioning possibly to NATO membership, at least assisting them in that quest, that we have to be repelled by that and say we should not do something that the President might do—and I would give him all the encouragement possible to do that—we are just saying that at least four should be part of this program. It is an attempt to say we want at some point that they be part of it provided certain guidelines are met. And let me just also remind members that part of Mr. Torricelli's amendment does take out the Baltics. It takes out Latvia, Lithuania, and Estonia, of course. We are not, I don't think—if our action here today is so misread by other countries, that is a shame, but that is not the way it is.

Mr. ROTH. Would the gentleman yield?

Mr. SMITH. I would be happy to yield.

Mr. ROTH. I thank my friend for yielding.

This bill has been carefully drafted. In foreign affairs, like in other legislation, we must draw fine lines, and that is precisely what we are doing here. The expansion of NATO has far-reaching consequences not only for those countries but also for our country, and we must carefully weigh the principles that we set forth.

Now, one must be specific to some degree. We heard the word "micromanagement." As I see it, all we are doing is involving Congress again in foreign affairs. There was a time when the cold war was on when time was always of the essence. This is a time in the world that we were in today where debate is possible. And all we are saying is that Congress again is getting into the play in the area of foreign policy. And this is precisely what we want Congress to do because we do have a separation of powers and for all too long we feel that Congress really has not had enough say in foreign policy and foreign affairs and what we are saying here is that Congress again is going to be a player in foreign affairs.

Mr. SMITH. Just reclaiming my time for a moment, if I could. I would also take exception to the distinguished gentleman from Indiana when he mentions that this could lead to complacency in the countries that are named. I fail to see how offering the program to assist them in meeting the obligations of NATO inclusion will lead to complacency. Rather than complacency, I think it will encourage them to do even more and the tangible assistance provided by this program will help those countries know what has to be done to get there sooner rather than later.

Mr. TORRICELLI. Mr. Chairman?

Chairman GILMAN. The gentleman is recognized.

Mr. TORRICELLI. Thank you, Mr. Chairman.

I am both surprised and, frankly, I am somewhat disappointed by the division of this question on our committee. I believe our differences here are extremely narrow. We have one objective and that is to consolidate the success of the cold war and bring these nations into the family of nations. But each member of this committee needs to ask themselves whether they are prepared to say to their constituents what their vote would imply here today.

Each of these nations in Eastern Europe today is not Democratic. At least one has a Communist majority government. Whether or not they have Democratic governments for the remainder of the decade is very unclear. Are you prepared to go home and tell your constituents that you are now expanding the American nuclear umbrella to——

Mr. SMITH. Would the gentleman yield?

Mr. TORRICELLI. I will yield in a minute.

To each of these countries, regardless of their ability to defend themselves, their political institutions, their economic importance to the United States, and put them on a par with Britain, Germany, or Italy?

Are you prepared to tell your constituents that you are willing to have the United States go to war to defend countries that have declining military budgets, no ability to defend themselves, Soviet-trained militaries with all Soviet weaponry, with no coordination with NATO whatsoever when the remainder of the alliance has taken 20, 30, and 40 years to coordinate its defensive policies?

My friends, I understand partisan differences. It is simply not responsible to put the United States on record on that point. It is not responsible and I urge you to reconsider.

It bears repeating, from the perspective of Moscow when you specify in a bill that Poland will be admitted and the Czech Republic will be admitted, while the Russians have tensions with the Ukraine and are occupying the Baltics, by implications the Russians read that to mean we will not defend, there is no doubt about our interests in the security of the remaining republics. It is a message you don't want to send.

Mr. Chairman, at this point I would ask that in the record by unanimous consent we enter the statements of the Chairman of the Joint Chiefs of Staff which specifically have asked, not the President, not the administration, not a partisan leader, the Chairman of the Joint Chiefs of Staff on behalf of the U.S. military who has asked and I quote: "I urge you to permit the enlargement process

now set in motion to proceed without at this stage specifically designating countries and a specific timetable."

[The information appears in the appendix.]

Mr. TORRICELLI. My friends, we are arguing over something in which we have almost no difference. The gentleman, I know, intends to offer an amendment allowing an assistance program to proceed which could greatly increase the timetable for eventual admission for these nations. I don't agree with it.

Frankly, I am prepared to accept the motion because I would like to see this done on a bipartisan basis. But the dividing of these countries into two categories and the providing of a specific date, I would urge you not to proceed with.

Please adopt my amendment. I in turn will accept the amendment of the Majority to proceed with an assistance program.

I thank the gentleman for giving me the time.

Chairman GILMAN. Without objection, the gentleman's statement that he wanted included in the record is included.

Mr. Lantos.

Mr. LANTOS. Mr. Chairman, as one who has followed this region meticulously for several decades, I would like to comment on an earlier observation that this is very carefully crafted legislation.

It is not. If it were carefully crafted legislation, Slovenia would appear and Slovakia would not appear. And I am not sure what percentage of our population or of this body knows the clear distinction between Slovenia and Slovakia. They are two different countries. In terms of internal democracy movement toward a market system and freedom of press, Slovenia is light-years ahead of Slovakia. Yet Slovakia is included and Slovenia is not included.

May I also suggest that there is a tremendous degree of political and economic fluidity in this entire region. And to designate countries at this stage is imprudent when in fact over the course of the last 6 years, since the collapse of the Wall, there has been a tremendous degree of movement up and down among the various countries with respect to the degree of press freedom they have, with respect to the degree of political freedom they have, with respect to the degree of market mechanisms they have.

Therefore, the designation on generic grounds appears far more rational than the singling out of specific countries. There is no justification for including Slovakia at this stage and excluding Slovenia which by all yardsticks is a far more democratic market-oriented, free-press-oriented society.

And I would like to ask any of my colleagues and friends on the other side to explain to me why Slovakia is included and Slovenia is not included.

Chairman GILMAN. The time of the gentleman has expired.

Mr. HASTINGS. Mr. Chairman, I move to strike the requisite number of words.

Chairman GILMAN. Mr. Hastings is recognized for 5 minutes.

Mr. HASTINGS. I have sat here with no intentions having been given opportunity to explore yet another provision. But there are two things I need to bring to the attention of the entirety of our committee.

Most of the members on this committee have had rather extraordinary experiences in Europe, and many of the members on this

committee on both sides of the aisle have been involved in the ongoing developments with reference to the North Atlantic Treaty Organization, and have been very active in that arena.

Until I became a Member of Congress in 1992, I had never traveled extensively in the area that we are discussing now. And because of the opportunities that I was given on this committee, I did have an opportunity to travel to almost all of the countries, with the exception of Poland, and to talk with officials there and in England and in France regarding the Partnership for Peace and regarding NATO.

I find it passing strange, and I would urge my colleagues who are sometimes opposed to travel, to take it upon themselves on this committee, and this is a picture of a different kind, to really visit some of these areas. And I believe you will leave with a refreshing and perhaps even different view than we offer in the isolation of the committee room and the aridness of our attitudes.

Let me suggest to you that on this particular piece of legislation there is no funding on behalf of this mandated program that is authorized in this bill. And I expect from the other side of the aisle that there will be at some point during this session of Congress offerings of cuts in foreign aid, not increases, or foreign assistance programs.

And this bill anticipates expansion of U.S. commitments in Europe at a time of declining resources. I saw with my own eyes that the United States is reducing its troop levels. And here we are now talking about making commitments of resources that are not put forward in the proposed legislation.

I am going to leave aside, because of time interests, Mr. Chairman, the continuing considerations of terrorism that this administration has pointed out more times than not regarding this particular area of the world.

But I want to leave it with one question. Tell me, please, somebody that offered this bill, where does it spell out that the funding for NATO transition of the proposed program is going to come about?

I support the Torricelli amendment. I heard him say that he is prepared to withdraw it. Therefore the original amendment would be on the table. And I oppose the original amendment as put forward.

Thank you, Mr. Chairman.

Chairman GILMAN. The gentleman from Wisconsin, Mr. Roth.

Mr. ROTH. Mr. Chairman, I move to close debate on the pending amendment effective immediately.

Chairman GILMAN. The question is on the motion to close the debate. All in favor signify in the usual manner.

Opposed.

The motion is adopted.

The question now is on the first part——

Mr. BEREUTER. Mr. Chairman, parliamentary inquiry. Could we restate exactly what is being voted on?

Chairman GILMAN. This is on the first part of the amendment of Mr. Torricelli from the beginning of the amendment through page 2 after the reference to page 58 beginning on line 24.

Mr. TORRICELLI. Mr. Chairman, parliamentary inquiry to clarify the question. Unlike most parliamentary inquiries, this is a genuine inquiry. It is my understanding that by separating the question we will be voting on specifying the countries and the date.

The second part of the amendment, the next vote that would follow, would be whether or not there is a mandated assistance program.

Is that in fact what has happened here?

Chairman GILMAN. That is not a proper parliamentary inquiry, but the statement is heard.

The question is now on the amendment, the first part of the amendment of Mr. Torricelli.

Mr. TORRICELLI. What is the answer to the question? I am trying to get the question clarified.

Chairman GILMAN. Counsel, would you respond, please.

Mr. RADEMAKER. Mr. Torricelli, I think at least the initial part of your statement was accurate. The amendment—the first part of your amendment deals with the listing of countries and the specification of a date.

Mr. TORRICELLI. So this first vote that the chairman has called will be on that issue.

Mr. RADEMAKER. Correct.

Mr. TORRICELLI. The second vote will be on the question of whether to mandate an assistance program, if offered as an amendment?

Mr. RADEMAKER. Let me clarify what the remainder of the amendment deals with in broad terms. The remainder would essentially strike the amendments that our substitute amendment before us today would make to the NATO participation act. And the NATO participation act authorized the President to establish a transition assistance program.

So in other words, if your second amendment were adopted, there would still remain an authority for the President to provide transition assistance, but the amendments contained in this Title II of that transition assistance program would be deleted.

Mr. TORRICELLI. Very good. Thank you very much, Mr. Chairman.

Chairman GILMAN. The question now is on the amendment, the first part of the amendment of Mr. Torricelli. All those in favor signify by saying aye.

Opposed, no.

The amendment is agreed to.

The question is now on the second portion of Mr.——

Mr. SMITH. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. Mr. Smith.

Mr. SMITH. Was the amendment that was just voted on also taking out the four countries that were designated?

Chairman GILMAN. Counsel will respond.

Mr. SMITH. If it is, I would ask for a roll call.

Chairman GILMAN. Roll call has been requested.

Mr. TORRICELLI. Mr. Chairman, a point of order. I believe the chairman had called the second question. If I am mistaken, we can have the record——

Mr. SMITH. If I can be heard, Mr. Chairman, it was not clear exactly what we were voting on. We have had a unanimous consent request to split an amendment that had already been disseminated to the membership. It was never clear exactly what that first amendment would be on.

I would ask it be reconsidered and that we do have a roll call vote.

Chairman GILMAN. Motion has been made to reconsider the vote by which this amendment was passed by the committee. All those in favor signify by saying aye.

Opposed, no.

Mr. SMITH. I ask for a roll call.

Chairman GILMAN. On the motion to reconsider, a roll call has been requested. Those in favor of reconsideration signify in the usual manner.

Opposed.

There is a request for a roll call. The chief of staff will read the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. Aye.

Mr. GARON. Mr. Chairman is aye.

Mr. Goodling.

Mr. GOODLING. Pass.

Mr. GARON. Mr. Leach.

[No response.]

Mr. GARON. Mr. Roth.

Mr. ROTH. Aye.

Mr. GARON. Mr. Hyde.

Mr. HYDE. Aye.

Mr. GARON. Mr. Bereuter.

Mr. BEREUTER. No.

Mr. GARON. Mr. Smith.

Mr. SMITH. Aye.

Mr. GARON. Mr. Burton.

Mr. BURTON. Aye.

Mr. GARON. Mrs. Meyers.

[No response.]

Mr. GARON. Mr. Gallegly.

Mr. GALLEGLY. No.

Mr. GARON. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Aye.

Mr. GARON. Ms. Ros-Lehtinen votes aye.

Mr. Ballenger.

Mr. BALLENGER. Aye.

Mr. GARON. Mr. Ballenger votes aye.

Mr. Rohrabacher.

Mr. ROHRABACHER. Aye.

Mr. GARON. Mr. Rohrabacher votes aye.

Mr. Manzullo.

Mr. MANZULLO. Aye.

Mr. GARON. Mr. Manzullo votes aye.

Mr. Royce.

Mr. ROYCE. Aye.

Mr. GARON. Mr. Royce votes aye.

Mr. King.
Mr. KING. Aye.
Mr. GARON. Mr. King votes aye.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. Aye.
Mr. GARON. Mr. Chabot votes aye.
Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. Aye.
Mr. GARON. Mr. Salmon votes aye.
Mr. Houghton.
Mr. HOUGHTON. Aye.
Mr. GARON. Mr. Houghton.
Mr. Houghton. Aye.
Mr. GARON. Mr. Houghton votes aye.
Mr. Hamilton.
Mr. HAMILTON. No.
Mr. GARON. Mr. Hamilton votes no.
Mr. Gejdenson.
Mr. GEJDENSON. No.
Mr. GARON. Mr. Gejdenson votes no.
Mr. Lantos.
Mr. LANTOS. No.
Mr. GARON. Mr. Lantos votes no.
Mr. Torricelli.
Mr. TORRICELLI. No.
Mr. GARON. Mr. Torricelli votes no.
Mr. Berman.
Mr. BERMAN. No.
Mr. GARON. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Mr. GARON. Mr. Ackerman votes no.
Mr. Johnston.
Mr. JOHNSTON. No.
Mr. GARON. Mr. Johnston votes no.
Mr. Engel.
Mr. ENGEL. No.
Mr. GARON. Mr. Engel votes no.
Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
Mr. MARTINEZ. No.

Mr. GARON. Mr. Martinez votes no.
Mr. Payne.
[No response.]
Mr. GARON. Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
Mr. MENENDEZ. No.
Mr. GARON. Mr. Menendez votes no.
Mr. Brown.
Mr. BROWN. No.
Mr. GARON. Mr. Brown votes no.
Ms. McKinney.
Ms. MCKINNEY. No.
Mr. GARON. Ms. McKinney votes no.
Mr. Hastings.
Mr. HASTINGS. Nay.
Mr. GARON. Mr. Hastings votes no.
Mr. Wynn.
Mr. WYNN. No.
Mr. GARON. Mr. Wynn votes no.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
Mr. MORAN. No.
Mr. GARON. Mr. Moran votes no.
Mr. Frazer.
Mr. FRAZER. No.
Mr. GARON. Mr. Frazer votes no.
Mr. Goodling.
Mr. GOODLING. I vote no.
Mr. GARON. Mr. Goodling votes no.
Mrs. Meyers.
Mrs. MEYERS. Aye.
Mr. GARON. Mrs. Meyers votes aye.
Mr. Payne.
[No response.]
Mr. GARON. Mr. Faleomavaega.

Chairman GILMAN. The chief of staff will read the tally of the votes.

Mr. GARON. On this vote the ayes are 15. The noes are 25.

Mr. TORRICELLI. Mr. Chairman, I would move the second question.

Chairman GILMAN. The motion to reconsider is not agreed to.

Mr. TORRICELLI. Mr. Chairman, I move the second question.

Chairman GILMAN. The second question is now before the committee. The question occurs on the second part of the Torricelli amendment. All those in favor signify by saying aye.

Opposed, no.

Apparently the noes have it. The amendment is not agreed to.

Mr. TORRICELLI. Mr. Chairman.

Chairman GILMAN. Mr. Torricelli.

Mr. TORRICELLI. If I could have asked a question in clarification of the Chair——

Chairman GILMAN. Is that a point of order?

Mr. TORRICELLI. Point of order, Mr. Chairman.

Chairman GILMAN. Will the gentleman state his point of order?

Mr. TORRICELLI. My inquiry, Mr. Chairman, is, under this amendment is the question of whether or not we would be mandating a new program for the Members to facilitate——

Chairman GILMAN. What is the gentleman's point of order? This is not a time for debate.

Mr. TORRICELLI. I ask the Chair to clarify for the committee.

Chairman GILMAN. If you would like some further clarification, the counsel will further clarify.

Mr. RADEMAKER. Did I understand your question to be whether the second part of your amendment mandates first the establishment of a program and, second, the expenditure of funds?

Mr. TORRICELLI. Whether or not this creates a mandatory or an operational expenditure program for NATO expansion. Is that the proper phrasing of the question?

Mr. RADEMAKER. I think I can respond to your question. The second part of your amendment deals with the portion of the substitute amendment that mandates the establishment of a program, but it is important to note that although the substitute amendment would technically mandate the establishment of a program, there is no earmarking of funds, and therefore there is no mandatory expenditure of funds through that program.

In other words, comparing this provision, the NATO participation act as it would appear after enactment of the law of this provision with the situation that is in existence today, today it is discretionary on the part of the President, as it is discretionary to provide assistance.

Mr. TORRICELLI. I thank the gentleman for clarification. It is a question on whether it is a mandatory program. And can you believe a mandatory——

Chairman GILMAN. The gentleman is out of order. We are on a roll call vote.

Mr. ENGEL. I have a parliamentary inquiry, Mr. Chairman. We haven't started the roll call vote.

My parliamentary inquiry is, the reference to the four countries, is that at all in play in this amendment? Is that deleted? That has gone? So nothing we are voting on now is in reference to those four countries specifically? People have said yes and people have said no.

Chairman GILMAN. Will counsel clarify the situation.

Mr. RADEMAKER. This gets into some of the technicalities under the NATO participation act that was enacted at the end of the last Congress. Under the NATO participation act, it is discretionary on the part of the President whether to establish a program. It is also discretionary on his part which countries to make beneficiaries under this program.

Under the provision that would be deleted by the amendment that we are about to vote on, one aspect of the amendment that would be deleted by Mr. Torricelli's amendment is the mandate to provide assistance to force—I am sorry, the mandate that four spe-

cific countries be eligible to participate in the program, specifically Poland, Hungary, the Czech Republic and Slovakia.

Mr. ROTH. Mr. Chairman, a roll call vote has been called for.

Chairman GILMAN. I thank the counsel for clarification. The chief of staff will read the roll.

Mr. GARON. Mr. Chairman.
Chairman GILMAN. No.
Mr. GARON. Mr. Chairman votes no.
Mr. Goodling.
Mr. GOODLING. No.
Mr. GARON. Mr. Goodling votes no.
Mr. Leach.
[No response.]
Mr. GARON. Mr. Roth.
Mr. ROTH. No.
Mr. GARON. Mr. Roth votes no.
Mr. Hyde.
Mr. HYDE. No.
Mr. GARON. Mr. Hyde votes no.
Mr. Bereuter.
Mr. BEREUTER. No.
Mr. GARON. Mr. Bereuter votes no.
Mr. Smith.
Mr. SMITH. No.
Mr. GARON. Mr. Smith votes no.
Mr. Burton.
Mr. BURTON. No.
Mr. GARON. Mr. Burton votes no.
Mrs. Meyers.
Mrs. MEYERS. No.
Mr. GARON. Mrs. Meyers votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly votes no.
Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Mr. GARON. Ms. Ros-Lehtinen votes no.
Mr. Ballenger.
Mr. BALLENGER. No.
Mr. GARON. Mr. Ballenger votes no.
Mr. Rohrabacher.
Mr. ROHRABACHER. No.
Mr. GARON. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. No.
Mr. GARON. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King votes no.
Mr. Kim.
Mr. KIM. No.

Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.
Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Houghton.
Mr. HOUGHTON. No.
Mr. GARON. Mr. Houghton votes no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.
Mr. GARON. Mr. Gejdenson votes aye.
Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Lantos votes aye.
Mr. Torricelli.
Mr. TORRICELLI. Aye.
Mr. GARON. Mr. Torricelli votes aye.
Mr. Berman.
Mr. BERMAN. Aye.
Mr. GARON. Mr. Berman.
Mr. BERMAN. Aye.
Mr. GARON. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. Johnston.
Mr. JOHNSTON. Aye.
Mr. GARON. Mr. Johnston votes aye.
Mr. Engel.
Mr. ENGEL. No.
Mr. GARON. Mr. Engel votes no.
Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Martinez.
Mr. MARTINEZ. No—I mean aye.
Mr. GARON. Mr. Martinez votes aye.
Mr. Payne.
[No response.]
Mr. GARON. Mr. Andrews.
Mr. ANDREWS. Aye.

Mr. GARON. Mr. Andrews votes aye.
Mr. Menendez.
[No response.]
Mr. GARON. Mr. Brown.
Mr. BROWN. Yes.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.
Ms. MCKINNEY. Yes.
Mr. GARON. Ms. McKinney votes yes.
Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.
Mr. MCNULTY. Aye.
Mr. GARON. Mr. McNulty votes aye.
Mr. Moran.
Mr. MORAN. Aye.
Mr. GARON. Mr. Moran votes aye.
Mr. Frazer.
Mr. FRAZER. Aye.
Mr. GARON. Mr. Frazer votes aye.
Mr. Leach.
[No response.]
Mr. GARON. Mr. Faleomavaega.
[No response.]
Mr. GARON. Mr. Payne.
[No response.]
Mr. GARON. Mr. Menendez.
[No response.]
Chairman GILMAN. The chief of staff will report the vote.
Mr. GARON. On this vote, the ayes are 16, the noes are 23.
Chairman GILMAN. The noes appear to have it. The amendment is not agreed to.
Mr. TORRICELLI. Mr. Chairman, can I ask the indulgence of the committee for 30 seconds?
Chairman GILMAN. Without objection.
Mr. TORRICELLI. Mr. Chairman, I want to thank Members of the Majority who voted on the earlier question. Despite some of the rancor of our recent days, this was a good bipartisan effort. I believe it was in the best interests of NATO and our foreign policy. I appreciate the respect which the administration has given on this issue. I think the committee conducted itself well. I appreciate the support of the Members.
Thank you for the recognition.
Chairman GILMAN. Are there any further amendments to this section?
Mr. WYNN. Mr. Chairman.
Chairman GILMAN. Mr. Wynn.
Mr. WYNN. Thank you, Mr. Chairman.
I have an amendment at the desk.
Chairman GILMAN. To this section?

Mr. WYNN. 603.

Chairman GILMAN. We are on 602.

Are there any further amendments to section 602?

Mr. BEREUTER. Mr. Chairman, my amendments to Title VI totally are now moved.

Chairman GILMAN. Would the gentleman withhold?

The chief of staff will announce the next section.

Mr. GARON. Section 603. The United States policy.

Chairman GILMAN. Mr. Wynn.

Mr. WYNN. Mr. Chairman, I have an amendment at the desk. I would like to ask unanimous consent to submit a longer statement.

At this time I just want to state briefly that I believe this is a pretty innocent amendment that basically reiterates——

Chairman GILMAN. Will the gentleman suspend until the amendment is read.

Mr. GARON. Amendment offered by Mr. Wynn. The amendment in the nature of a substitute to H.R. 7. Page 58, line 22. Strike "and." Page 58, after line 22, insert the following.

Mr. WYNN. Mr. Chairman, I move the amendment be considered as being read.

Chairman GILMAN. The amendment is considered as read.

The gentleman is recognized for 5 minutes.

[The amendment offered by Mr. Wynn follows:]

AMENDMENT OFFERED BY MR. WYNN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 7

Page 58, line 22, strike "and".

Page 58, after line 22, insert the following:

(7) to reaffirm article X of the North Atlantic Treaty and the policy decision of the North Atlantic Council on December 1, 1994, that—

(A) each new member nation may be admitted to NATO only by amendment to the North Atlantic Treaty; and

(B) each current NATO member nation will have to complete the treaty amendment ratification process for the admission of each new member nation to NATO, subject to the internal legal processes of each current NATO member nation, and that in the case of the United States, the treaty amendment ratification process will require advice and consent of ⅔ of the members of the United States Senate present and voting; and

Page 58, line 23, strike "(7)" and insert "(8)".

Mr. WYNN. Thank you, Mr. Chairman.

As I was indicating, I believe this is a fairly innocuous amendment. Basically in our enthusiasm with respect to the expansion of NATO, I thought it would be wise to reiterate the current law with respect to the actual amendment process to make clear that while we may favor certain policies, the traditional amendment process for NATO would still be in effect. That is to say the administration's decision is not a unilateral decision by the United States, but rather would depend upon the traditional NATO policy, which is an amendment of the treaty, the agreement of each member government, which currently numbers 16, and the completion of the ratification process in each country as well as our own process here in the United States which requires two-thirds of the Senate to ratify it.

I don't believe this amendment in any way undermines what is being proposed. I do believe, however, that it is somewhat of a reality check so we under no circumstances suggest that the United States, despite our desire or enthusiasm on the subject of expansion, would preempt or preclude in any way the existing law regarding NATO.

Mr. BEREUTER. Will the gentleman yield?

I just wanted to ask the question, is there anything in your amendment as you understand it that differs from the current procedures under the NATO charter or our Constitution?

Mr. WYNN. No, nothing differs in the amendment. Actually the amendment reiterates the primacy of the NATO treaty amendment process.

Mr. BEREUTER. Thank you very much.

Mr. SMITH. Will the gentleman yield?

Mr. WYNN. Yes.

Mr. SMITH. If I could through you ask if the administration, perhaps Secretary Sherman, if she could assess whether or not this amendment comports with NATO policy and whether or not the administration supports the amendment and why.

Chairman GILMAN. Mrs. Sherman.

Ms. SHERMAN. Thank you.

Congressman, counsel advises me in substance this is correct. It is in fact admitted to NATO only by invitation as opposed to amendment. So technically that word may not be quite correct. But substantively this is correct. It does comport with the NATO charter and it does reiterate, as Congressman Wynn has attempted to do, and we would find useful the primacy of the NATO charter and how we would need to proceed.

Chairman GILMAN. Without objection, the Chair is prepared to accept the Wynn amendment. It is a useful amendment.

Mr. WYNN. Thank you, Mr. Chairman.

Chairman GILMAN. If there are no objections, the amendment is adopted.

At this time we are going to recess for one hour. I am going to ask our Members to be diligent and return. We have only a few sections remaining to be completed. The remaining section, section 604, there is an Ackerman, Wynn, and a Gilman amendment. Section 604, a Moran amendment. Earlier reservations that were granted on section 303, 401, 402, 507, 508.

With your indulgence, committee Members, we should be able to complete our work in a very short period of time.

The committee stands in recess for one hour.

[Recess.]

Mr. BEREUTER [presiding]. At the direction of Chairman Gilman, I am announcing that the hearing is going to recess, to reconvene tomorrow morning at 9 a.m.

[Whereupon, at 6:15 p.m., the committee was adjourned, to reconvene on Tuesday, January 31, 1995, at 9:10 a.m.]

H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

TUESDAY, JANUARY 31, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The committee met, pursuant to call, at 9:10 a.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (chairman of the committee) presiding.

Chairman GILMAN. The committee will come to order, please. Good morning.

When the committee recessed yesterday we had just passed the Wynn Amendment to Section 603 of the amendment in the nature of a substitute. Are there further amendments to Section 603? If not, the Chief of Staff will designate the next section.

Mr. GARON. Section 604 revisions to program to facilitate transition to NATO membership.

Chairman GILMAN. The Chair would like to make the following statement.

The committee was refused permission yesterday to sit while the House was reading a bill under the five-minute rule. Accordingly, we were required, in effect, to continue our sitting today rather than completing action on the bill last night, as we had hoped. We now have permission to sit today.

The following sections within the jurisdiction of the committee have not yet been read for amendment: Section 605 and Section 606.

In addition, the following Members have entered reservations allowing them or their designees to offer amendments: Mr. Faleomavaega, with respect to Section 303; Mr. Hamilton, with respect to Sections 401 and 402; Mr. Berman, with respect to Section 507 and to add a new Section, 508A, which he hopes to add to the bill. And in the opinion of the Chair, the proper place to offer Section 508A would be after the disposition of the amendment to Section 507.

I hope we can work quickly, particularly on the next few amendments which are not terribly controversial; and I hope all of my colleagues will refrain from belaboring the obvious.

I will say that if we are not making progress I will not hesitate to recognize a Member to move to limit debate, although I hope I will not have to. Somebody today gave me a big stick to carry in the event I need it in the committee, and I hope we do not have to resort to the big-stick approach.

I understand that the gentleman from New York, Mr. Ackerman, has an amendment for himself and others. Does the gentleman seek recognition?

Mr. ACKERMAN. I do, Mr. Chairman. Yes, Mr. Chairman, I do.

Chairman GILMAN. Would the clerk——

Mr. ACKERMAN. I have an amendment at the desk.

Chairman GILMAN. Please pass out the amendment. And would the Chief of Staff please read the amendment?

Mr. GARON. Amendment to the amendment in the nature of a substitute, offered by Mr. Ackerman, Mr. Wynn, Mr. Gilman and Mr. Goodling.

Page 63, strike line 16 and all that follows through line 2 on page 64 and insert the following: (g) Prohibition on providing assistance to countries that provide defense articles to countries supporting international terrorism.

Mr. GOODLING. I ask unanimous consent the amendment be considered as read.

Chairman GILMAN. Without objection, the amendment is considered as read.

[The information follows:]

F:\MAS\CONTRACT\SECURITY\ACKERM.001 H.L.C.
[section 604]

AMENDMENT TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. ACKERMAN AND MR. WYNN

Page 63, strike line 16 and all that follows through line 2 on page 64 and insert the following:

"(g) PROHIBITION ON PROVIDING ASSISTANCE TO COUNTRIES THAT PROVIDE DEFENSE ARTICLES TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—The President may not provide assistance to a country under the program established under subsection (a) if such country is selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.".

Chairman GILMAN. And the gentleman from New York, Mr. Ackerman, is recognized for five minutes.

Mr. ACKERMAN. Thank you very much, Mr. Chairman.

I offer this amendment on behalf of myself and Congressman Wynn, and we are absolutely delighted to be joined by yourself, the Chairman, Mr. Gilman, as well as Mr. Goodling in this effort.

Mr. Chairman, I believe that it was probably because of some oversight or inadvertency that the language in the amendment in the form of a substitute omitted some language and changed some language inadvertently from the original legislation which somehow would lower the standard by which we deal with those nations seeking admission into NATO and thereby lowering the standards on terrorism.

What this language does is that it restores the original language presently existing so that we have the higher standard of terrorism. Certainly, we would not want countries admitted into NATO that are in business relationships and partnerships with terrorist states. And certainly, Mr. Chairman, nobody has a greater record of standing up against terrorism in this Congress, anywhere in the world, than yourself; and we are delighted you have joined us in this effort.

Chairman GILMAN. Does anyone else desire to be heard?

Mr. GOODLING. Mr. Chairman.

Chairman GILMAN. Mr. Goodling.

Mr. GOODLING. I am pleased to join in cosponsoring the amendment. The amendment deletes from the amendment in the nature of a substitute to H.R. 7 a provision that arguably would have weakened the requirements of existing law regarding when countries receiving assistance under the authority of the NATO Participation Act might be denied that assistance on account of arms sales by them to countries that support terrorism.

I understand that the provision in question was inserted in H.R. 7 in a good-faith effort to reform the nature of the requirements of the NATO Participation Act on this issue with the requirements that apply worldwide under the Foreign Operations Appropriations Act. In any event, I would prefer to keep the requirements of the NATO Participation Act unchanged, and that is the purpose of the amendment. I would urge adoption of the amendment.

Chairman GILMAN. I thank the gentleman.

Mr. Wynn is recognized.

Mr. WYNN. Thank you, Mr. Chairman.

I, too, would like to speak in strong support of the amendment. I would like to ask unanimous consent to submit a longer statement and have it inserted in the record.

[The prepared statement of Mr. Wynn appears in the appendix.]

Mr. WYNN. At this point, I would just like to note when I initially reviewed the draft bill I had some alarm that we appeared to be lowering the standard with respect to terrorism. I think it is very important that the United States take a leadership role in fighting terrorism and that we at all times maintain our high moral ground on this issue.

I believe, as Mr. Ackerman has indicated, that it was a matter of inadvertency and not intention that the language was inserted which appeared to lower the standard for providing aid to countries

on the terrorist list. I am delighted that we have been able to restore language which keeps the current law in place and maintains the high standard we have had with respect to not providing assistance to countries that transfer goods to terrorist countries.

I am also delighted that this amendment has attracted bipartisan support because I do believe all of us in—on this committee acting in good faith would want to have the highest standards in terms of fighting terrorism. So I think it is a good amendment, and I am looking forward to its passage.

Chairman GILMAN. Thank you, Mr. Wynn.

I recognize Mr. Rohrabacher for 5 minutes.

Mr. ROHRABACHER. I would like to congratulate my colleague, Mr. Ackerman, for presenting to us an amendment that really helps make this a better bill, and I will be supporting it in the spirit it is given and hope we can work together in the time left today to make sure we work together to make this a better bill. This is the type of amendment that does just that.

Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Rohrabacher.

Mr. KING. Mr. Chairman.

Chairman GILMAN. Mr. King is recognized.

Mr. KING. Mr. Chairman, I also want to join in commending my friend, Mr. Ackerman, for his amendment. It is a pleasure to work with him on this bipartisan issue, and I intend to support it. Thank you.

Chairman GILMAN. Does any other Member seek recognition?

Without objection, I would like to make one short statement.

A lot of effort has gone into the section of the NATO Participation Act covered by this amendment. I think the amendment offered on behalf of myself, Mr. Goodling, Mr. Ackerman, Mr. Wynn, achieves the right balance on the issue of discouraging arms trafficking with terrorist countries. I am pleased to incorporate it into the bill.

Without objection, the amendment is agreed to.

Mr. ACKERMAN. Thank you, Mr. Chairman.

Chairman GILMAN. Are there additional amendments to Section 604? Mr. Moran.

Mr. Moran not being present, we will reserve the opportunity for Mr. Moran to raise his amendment when he appears.

Are there additional amendments? If not, the Chief of Staff will designate the next section.

Mr. GARON. Section 605. Annual reporting requirement.

Chairman GILMAN. Are there amendments to this section? If not, the Chief of Staff will designate the next section.

Mr. GARON. Section 606. Definitions.

Chairman GILMAN. Are there any amendments to this section? Are there reserved amendments that Members wish to offer at this time? Mr. Faleomavaega? Mr. Berman?

Mr. Berman, with regard to 507 and new 508A? Mr. Berman, do you have amendments?

Mr. BERMAN. I do, Mr. Chairman. May I first deal with section 507?

Chairman GILMAN. Section 507 amendments. The Chief of Staff will please read the amendment.

Mr. GARON. Amendment to the amendment in the nature of a substitute offered by Mr. Berman.

Beginning on page 42, line 11, strike all through page 43, line 17——

Mr. GOODLING. I move the amendment be considered as read.

Chairman GILMAN. The amendment is considered as read.

[The information follows:]

R7\002

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BERMAN

eginning on page 42, line 11, strike all through page 43, line 17, and insert in lieu ereof the following:

SEC. 507. **PROHIBITION ON USE OF FUNDS TO PAY UNITED STATES ASSESSED CONTRIBUTIONS FOR UNITED STATES PEACEKEEPING ACTIVITIES.**

(a) IN GENERAL.---Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (b), as added by section 503, the following new subsection:

"(c) PROHIBITION ON USE OF FUNDS TO PAY ASSESSED CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.---(1) Appropriated funds may not be used to pay any United States assessed contribution during any fiscal year for United Nations peacekeeping activities until the Secretary of Defense certifies to the designated congressional committees that the United Nations has reimbursed the Department of Defense directly for all goods and services that were provided to the United Nations by the Department of Defense on a reimbursable basis during the preceding fiscal year for United Nations peacekeeping activities, including personnel and assistance provided under section 7 (except to the extent that the

authority of subsection (b)(2) of such section to waive the reimbursement requirement was exercised with respect to such personnel or assistance).

"(2) EXCEPTIONS TO PROHIBITION.--The prohibition detailed in paragraph (1) shall not apply---

"(A) when the Department of Defense has failed to submit its bills for goods and services provided to the United Nations in a timely manner; or

"(B) when the United States has failed to pay its peacekeeping assessment for the previous fiscal year in a timely manner.".

(b) EFFECTIVE DATE.---The prohibition contained in section 10(c) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to fiscal years after fiscal year 1995.

Chairman GILMAN. Mr. Berman is recognized for 5 minutes.

Mr. BERMAN. Thank you, Mr. Chairman.

Section 507, I think, is basically a good provision because, essentially, it states that the United States should not pay its U.N. peacekeeping assessments each year until it is clear that the United Nations has reimbursed the Department of Defense directly for all reimbursable support the DOD provided the U.N. that year.

A particular operation is under way: It is authorized by the Security Council, the United States has supported it, the United States has agreed to front some Department of Defense supplies or logistical support on a reimbursable basis to be covered by the U.N. peacekeeping assessment process. If to the extent that it has not been reimbursed in the time that it was supposed to be reimbursed, I think it is appropriate for us to deduct our U.N. peacekeeping obligations.

This amendment is fairly technical in nature, though. It simply says it should be contingent on the fact that the Department of Defense has actually submitted the bills for reimbursement and that the Secretary of Defense has certified to Congress that this has happened, that the bills are actually there to be reimbursed.

And, secondly, that the U.N. is current with its peacekeeping assessments for the same reason that we expect the U.N. to reimburse the Department of Defense for the expenses it is owed. I think it is appropriate to ask the United States be current in its U.N. assessment, in its peacekeeping assessment and the payment of that assessment before we start deducting a future assessment.

It is not a particularly policy-oriented amendment. It is more technical in nature. And I think it would make sense.

Mr. ROTH. Mr. Chairman.

Chairman GILMAN. Mr. Roth.

Mr. ROTH. Thank you, Mr. Chairman.

Chairman GILMAN. Recognized for five minutes.

Mr. ROTH. Mr. Chairman, and Members, Section 507 provides, in essence, that we will not pay the United Nations money we owe it for peacekeeping until the United Nations pays us money it owes us for peacekeeping. Nothing could be fairer and more sensible.

Every year the Defense Department provides goods and services and personnel to the U.N. for peacekeeping operations on a reimbursable basis, and current law requires that the U.N. reimburse us for these goods, services and personnel unless the President waives the requirement for reimbursement. All Section 507 says is that in each fiscal year we will not pay voluntary or assessed peacekeeping contributions to the United Nations until the Secretary of Defense certifies to the Congress that the U.N. has given us all required reimbursement for the preceding fiscal year.

Mr. Berman's amendment would undermine this entirely sensible approach by creating a giant loophole in the requirement that we withhold our payment to the U.N. each year until the U.N. reimburses us. The language beginning on page 2, line 9 of Mr. Berman's amendment would let the U.N. off the hook on this requirement any time the United States has failed to pay its peacekeeping assessment to the U.N. in a timely manner during the previous fiscal year.

I am not sure when we last paid our peacekeeping assessment to the U.N. in a timely manner. Certainly we are not going to do so this year by all accounts. We are going to be hundreds of billions of dollars short this year. In the future, we will never pay it in a timely manner, at least so long as we stick to the provisions of Section 509 of this bill and of last year's State Department authorization bill that we will not pay peacekeeping assessments greater than 25 percent of the total cost of each peacekeeping operation.

The U.N. currently assesses us at 31.7 percent. And no one has ever suggested to me the U.N. is going to reduce our assessment to 25 percent to conform with the U.S. law. If the U.N. does not reduce our assessment top 25 percent, we are going to pile up large arrearages. That would, in turn, mean that under this amendment we would never be making timely payment to U.N. and that the requirement to withhold our payment to the U.N. would never be triggered.

I would be relieved if someone from the administration could assure me that the U.N. is going to reduce our assessment to 25 percent and that we will be unlikely to run up a large arrearage in the future. Without such assurances, however, we need to recognize this amendment for what it is, an effort to gut section 507 of the bill. I urge my colleagues to retain section 507 and to vote against this amendment.

Chairman GILMAN. Are there any other members seeking recognition?

Mr. BERMAN. Mr. Chairman.

Mr. HASTINGS. Mr. Chairman.

Chairman GILMAN. Mr. Hastings.

Mr. HASTINGS. I thank the Chair, and I thank the gentleman for yielding.

Mr. Chairman, I would like to have the administration's position on section 507.

Chairman GILMAN. Mrs. Sherman.

Mr. HASTINGS. Ms. Sherman, can you answer for me, does this provision regarding the U.S. peacekeeping payments to the United Nations hold responsible the Department of Defense for being reimbursed for its costs no matter what the cause of delay in reimbursement is?

Ms. SHERMAN. That is the way we read it, yes, Congressman.

Mr. HASTINGS. And would you answer for me—perhaps I should be asking the authors of this amendment—but can you tell me the administration's position regarding what this language really does or what problem we are solving here, in light of the fact that often the Department of Defense is delayed for various reasons and, therefore, if I am correct, there are times when the parties are in disagreement as to the costs? I would like a general view in a minute or so as to the administration's position.

Ms. SHERMAN. The Congressman is absolutely correct. The Defense Department sometimes delays sending bills—not for any ineptitude on their part; they are quite competent at what they do—but because of making decisions about how to submit the bills, in what order, because there may be a disagreement with the U.N. The U.N. actually is much more timely in its reimbursement of the United States than it is of most other countries.

And Mr. Roth commented on the reimbursements. We do get reimbursed in a timely fashion by the U.N. for goods and services for which we bill them. The issue is really whether we are going to gut and undermine the ability of the U.N. to go forward.

And I might tell the committee that in 1994 America Talks Issues polled the American public, and 68 percent of the American public believed that to get the U.N. the money it needs 68 percent favor imposing interest charges on unpaid U.N. dues and assessments, and 65 percent favored suspension of delinquent member state privileges even when told that the United States was a large delinquent. So the American public very much favors us paying our assessed dues, paying them in a timely manner by being up to date.

Chairman GILMAN. Ms. Sherman, if you would address the question rather than the extra——

Ms. SHERMAN. Thank you.

Mr. HASTINGS. Well, I thank Ms. Sherman, Mr. Chairman.

In effect, the State Department has to give money to the United Nations so that the United Nations can pay back the Department of Defense for its costs. Am I correct?

Ms. SHERMAN. Yes, as well as other countries need to pay, too.

Mr. HASTINGS. And we in Congress have been tardy from time to time in giving the State Department its money. Am I right about that?

Ms. SHERMAN. Yes.

Mr. HASTINGS. Then I would note there is a certain irony in the State Department's subsidizing the Department of Defense budget, which is roughly 50 times larger than the State's budget—State Department; is that it?

Ms. SHERMAN. Something like that.

Mr. HASTINGS. I thank the lady, and I thank the Chair, and I yield back.

Mr. BERMAN. Mr. Chairman.

Chairman GILMAN. The gentleman's time has expired.

Mr. Gejdenson.

Mr. GEJDENSON. I will yield to Mr. Berman.

Mr. BERMAN. Mr. Chairman, I think Mr. Roth makes a point here that I think we should consider. Actually, if Secretary Sherman could just come back, I want to just offer this.

I think the United States has every right to deduct or refuse to pay its assessments if we have not been reimbursed for bills timely submitted. I also think we should be making our reimbursement payments, withholding reimbursement payments only if we have paid up what we do owe.

Mr. Roth raises the question of in the new situation where the United States under the bill that we passed last year and that the President signed will pay no more than 25 percent of its assessment, and the U.N. has not yet accepted that as a formula. One could argue to the extent the administration was complying with the law we will never have made timely payments to the United Nations until such time as they change the formula because we will always withhold the difference between 25 percent and 31 percent.

So I guess my question to Mr. Roth is, if we can adjust this amendment to deal with that problem. Because I think you have a point there. We will always be late——

Chairman GILMAN. Is the gentleman yielding to Mr. Roth?

Mr. BERMAN. No, I am asking Mr. Roth a question, Mr. Chairman.

Mr. ROTH. Would the gentleman clarify his question, please?

Mr. BERMAN. Yes. If we can incorporate in this amendment the fact that the United States is not delinquent in its dues because it has paid the share that under U.S. law is the maximum it is supposed to pay—that is, the 25 percent and not the 31 percent—I am wondering, with that addition to clarify, to deal with the situation, I think you effectively pointed out—I do not then see what the argument would be against saying you cannot deduct the U.N. assessment that we owe and that we agree we owe under U.S. law because the Secretary of Defense has not yet submitted the bills to the—or the Department of Defense has not yet submitted the reimbursable bills to the United Nations. Do you see my point?

Chairman GILMAN. The Chair wishes to remind the gentleman that Mr. Gejdenson has the time.

Mr. GEJDENSON. I will be happy to yield to Mr. Roth for a response.

Mr. ROTH. Mr. Chairman and members, no, I do not think that would be sufficient because, basically, what we are doing is we are putting the onus on the United States; and I do not see any reason for that. I still feel we are a sovereign nation, and what we determine for our country is determined by the United States' Congress and not by some decree from the U.N. I do not see any purpose, really, in the amendment. I would like to keep all of our options in our hands.

Mr. BERMAN. Well——

Mr. GEJDENSON. Reclaiming my time and yielding again to Mr. Berman.

Mr. BERMAN. Thank you for yielding. One does not need any provision in the bill to retain all options. We have managed to retain our options to be late with our U.N. peacekeeping assessments very nicely without any legislation. So do not get too——

Mr. ROTH. If the gentleman would yield.

Mr. BERMAN. I will in just a moment. Do not get too proud about what you are doing. We have managed to be late very well without any provision in this bill.

I would like to make a unanimous consent request to delete from my amendment, on page 2, lines 9 through 11 for now, and just to simply deal—so we isolate this to the whole issue of the Department of Defense submitting reimbursable bills.

Chairman GILMAN. The gentleman's time has expired.

Mr. BERMAN. I have made a unanimous consent request that my amendment be amended by deleting lines 9 through 11 so that it will not deal with the issue Mr. Roth has, I think, objected to.

Chairman GILMAN. The gentleman is requesting his amendment be amended. Without objection, the amendment is amended.

Mr. BERMAN. Then, Mr. Chairman, this amendment simply says you do not withhold U.N. peacekeeping assessments for the failure of the——

Chairman GILMAN. Will the gentleman suspend for a moment while Counsel looks at the proposed revision?

Mr. RADEMAKER. Page 2.

Mr. BERMAN. Page 2, lines 9 through 11 section 507, small (a)(2)(B).

Chairman GILMAN. The Chair recognizes Counsel.

Mr. RADEMAKER. I am sorry for the delay. I was trying to compare what would remain of your amendment, Mr. Berman, with what is currently in the substitute amendment.

And as best I can ascertain, your amendment would make two changes, as modified. The first would be that the prohibition would apply under your amendment only to assessed contributions, whereas in the substitute amendment the prohibition applies to making them assessed or voluntary contributions by the United States.

The second change your amendment would make would be an exception to the prohibition in cases where the Defense Department has failed to submit its bills for goods and services to the United Nations in a timely manner.

Mr. BERMAN. Yes, the gentleman correctly states the amendment as amended. In other words, I am trying to take away, out of the issue, the question of whether we make timely payments.

First of all, the way we structure our fiscal year and the way the U.N. does its calendar year you can argue we are always late; and, secondly, we have the additional issue of the 25 percent versus 31 percent dispute where we have legislated we can pay no more than 25 percent.

So let us clear that away and just require the Department of Defense to submit its bills before we start withholding money that the U.N. has not paid when they do not know what to pay because we have not submitted the bills. I do not think it is a big deal in its remaining form.

Chairman GILMAN. Would the gentleman agree to incorporating in your revision voluntary contributions? I think then it would be acceptable.

Mr. BERMAN. The only thing—there is something funny about telling us not to voluntarily pay something because we are owed money, when——

Chairman GILMAN. The Chair would like to advise the gentleman if he inserts voluntary contributions it would be an acceptable revision.

Mr. BERMAN. On the belief that progress comes one step at a time, I will accept it.

Chairman GILMAN. The revision to the amendment is agreed to without objection.

Mr. BERMAN. Can I just, Mr. Chairman, before we do that, let me just hear from the Assistant Secretary on this issue.

Chairman GILMAN. Well, we have already.

Mr. BERMAN. I just want to make any deals I am throwing out do not bind the administration.

Chairman GILMAN. Gentleman, we have already accepted the revised version, and I think it is time we move on.

Mr. BERMAN. Could I just ask her about a mistake I made?

Chairman GILMAN. The gentleman from Wisconsin is recognized.

Mr. ROTH. Mr. Chairman, I think you are being much too gracious this morning and much too kind. There is no purpose with this amendment. We are just hamstringing us, the United States. There is no purpose to this amendment. This should be voted down.

Mr. BERMAN. I thought it was accepted.

Chairman GILMAN. We have not voted on the amendment. We have just accepted the amended version for consideration by the committee at this time.

Mr. BERMAN. If we have not heard—if the tenor and spirits of the comments was not that we would accept my amendment as now twice amended, both to cut out the timely payments issue and the voluntary contributions issue and leave it in its original form and just deal with DOD submission of bills, then if that is still an issue I would like to hear from the Assistant Secretary. If it is not an issue, we can go ahead and approve it.

Chairman GILMAN. We now have an amended version of your amendment. Mr. Bereuter.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. BEREUTER. I would like to ask the gentleman from California if he would clarify what his amendment, as now amended by unanimous consent twice, accomplishes that is not accomplished by the language of section 507. It is not a rhetorical question. I want to understand what the gentleman is now changing by the prospective adoption of his amendment as amended.

Mr. BERMAN. If this amendment is adopted, it is pretty technical in nature, but what it does is it prohibits the United States from withholding the payment of its peacekeeping assessments, or voluntary contributions, on account of the failure of the U.N. to reimburse expenses undertaken by the Department of Defense until such time as the Department of Defense has made a clear and specific demand and submitted the bills according to that demands for reimbursement.

It makes clear the fact we have not yet added up the money and submitted the bill is not a basis for withholding the dues.

Mr. BEREUTER. Reclaiming my time. The gentleman feels, then, that the language on page 43, lines 1 through 12, does not provide that exception at the moment?

Mr. BERMAN. That is right. It is clear it does not. It talks about reimbursable, not bills not having been submitted for reimbursement.

Mr. BEREUTER. Perhaps this gentleman is missing something, but I do not understand the potential objection to the gentleman's amendment as amended. I would yield to any of my colleagues who will explain to me what Congressman Berman is attempting to accomplish that is not in our best interest? Anyone?

Mr. ROTH. Would the gentleman yield?

Mr. BEREUTER. Be pleased to.

Mr. ROTH. This amendment does nothing except hamstring us and put a burden on us. It does nothing other than that. The amendment should be voted down, and we should move on.

Mr. BEREUTER. I say to the gentleman, if, in fact, the Defense Department has not completed its calculations and the burden is on the U.S. Government, why should we withhold our payment

until Defense Department has completed its work? Would the gentleman have a response?

Mr. BERMAN. I myself——

Mr. BEREUTER. I would yield to the gentleman from California.

Mr. BERMAN. You stated the issue, and I could not state it any better. So I have nothing more to say.

Mr. BEREUTER. Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman GILMAN. The question is on the amendment as amended. All those in favor signify in the usual manner by saying aye.

All those opposed, no.

The ayes have it. The amendment is agreed to.

The Chief of Staff——

Mr. BERMAN. Mr. Chairman.

Chairman GILMAN. Mr. Berman.

Mr. BERMAN. Are we ready for the next amendment? I have an amendment at the desk.

Chairman GILMAN. The clerk will distribute the amendment. The Chief of Staff will read the amendment.

Mr. GARON. Amendment to the amendment in the nature of a substitute offered by Mr. Berman.

On page 44, line 22, insert the following new section:

Section 508A. Authority of the President to deploy the U.S. Armed Forces.

Subject to the power of the Congress to declare war under article I, section 8——

Mr. SANFORD. Mr. Chairman, I move the amendment be accepted as read.

Chairman GILMAN. The gentleman moves the amendment be accepted as read. The amendment is accepted as read—considered as read.

[The information follows:]

HR7\025

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BERMAN

On page 44, after line 22, insert the following new section:

SEC. 508A. AUTHORITY OF THE PRESIDENT TO DEPLOY THE UNITED STATES ARMED FORCES.

Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States and consistent with the authorities of article II, section 2, clause 1 of the Constitution of the United States, the President may deploy, as Commander-in-Chief of the United States Armed Forces, any member of the United States Armed Forces for participation in support of peacekeeping activities authorized by United Nations Security Council resolutions.

Chairman GILMAN. Mr. Berman is recognized for five minutes.

Mr. BERMAN. Thank you, Mr. Chairman.

I am advised by the committee that the Parliamentarian has ruled that we do not have jurisdiction over section 508, but I would ask my colleagues on the committee to take one moment and look at 508(b). This is on the substitute version we are marking up from on page 44, lines 9 through 16.

If those provisions were to actually go into law they would create both an absurd and a very dangerous situation because they would prohibit the United States and the President of the United States from spending any Department of Defense dollars on any operation that was authorized by the U.N. Security Council, any peacekeeping authorization authorized by the U.N. Security Council, until such time as a Congress had convened and specifically authorized the use of those funds for that purpose.

I go back to the point I made earlier. If that had been in place in 1990, on August 2, when the U.N. Security Council, at the U.S. request, voted to conduct an economic embargo and a naval blockade of Iraq as the first steps in Desert Shield as part of the Chapter 7 peacemaking, peace-enforcing powers of the United Nations, and the United States had spent $1 to send one ship to that area of the world to try to enforce that blockade, not to mention all of the activities that were done to prepare for the attack on Kuwait prior to the time that Congress authorized it, all of that would have been an illegal expenditure. And you do not want to do that.

Since we have no jurisdiction of it, I have not made an amendment to strike that provision. I just want put into the bill here, as a message to our friends on the National Security Committee and the Floor, that nothing in this provision should be viewed as in any sense compromising the President's inherent power as Commander-in-Chief to make those decisions and do the reprogrammings necessary to have the funds to undertake those actions consistent with the Congress' power to declare war.

Mr. HAMILTON. Would the gentleman yield?

Mr. BERMAN. Be happy to yield.

Mr. HAMILTON. I think the gentleman is making a very important point. I have had a lot of experience trying to get this Congress to authorize military action—not just peacekeeping but peace enforcing as well—in Somalia and the Gulf war. The Congress never authorized that war. It is almost impossible to get this Congress to go on record to authorize military action. The preferred stance of the Congress is to pass the buck to the President of the United States, and if he succeeds to praise him, and if he fails to damn him. In other words, we let him take the heat.

Now, this amendment calls for us to authorize funds for peacekeeping, which we have never done, ever, to my knowledge. We have never authorized a peacekeeping action, and yet H.R. prohibits the President from acting unless Congress has specifically authorized funds for peacekeeping.

I just think this section will tie a President of the United States in knots, and he will not be able to act, even, as Mr. Berman says, to send a single soldier to participate in a peacekeeping activity, until the Congress acts. Now, this is an extraordinary limitation on

the President's power to act, and I think exceedingly unwise, and I commend the gentleman for his approach to it.

Chairman GILMAN. The gentleman's time has expired.

Mr. LEACH. Mr. Chairman.

Chairman GILMAN. Mr. Leach.

Mr. LEACH. Let me just add a few words.

I mean, there is, obviously, a philosophical debate; but, historically, the Republican party of the United States has stood for a strong executive. And given the nature of international affairs and the swings and the lack of accountability that Congress has an instinct to take and the need to act more quickly than at any time in the history of the world, I find it very ironic that we would be putting into statute a circumstance that would constrain the Presidency.

I would stress we all recognize that we have a President from the other side. That is not our choice, but this is a statute. And, as statute, it lasts until it is changed. We have a hope on our side that we are going to have an executive of a different party, but even if we do not, Presidents of Democratic parties generally, in international affairs, when it comes to war and peace, are more likely to be representing the national interests than otherwise, even if we do not vote for that particular President. I would really question this body of moving too far in statute.

This strikes me as one of the most reasonable conceivable amendments and that I would hope it could be adopted on a bipartisan basis.

Mr. CHABOT. Mr. Chairman.

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. Mr. Chairman, much of the substantive debate about Title 4 and Title 5 relates to conflicts in the constitutional prerogatives of the Congress of the United States and the Presidency. And at a time when we have an activist Presidency, as relates to the United Nations and peacekeeping, these debates here are very important and more timely.

Now, Mr. Berman's amendment seems clearly designed to get at section 508 of the substitute amendment. Of course, section 508 is not within the jurisdiction of our committee, as the gentleman admits. For that reason, many of us have repeatedly urged our Democratic colleagues and the administration to direct their concerns about section 508 to the Committee on National Security, which will begin its markup today.

I know it has been claimed that section 508 would infringe upon the President's authority as Commander-in-Chief and cripple his ability to deploy U.S. forces in U.N. peacekeeping operations. That is not my understanding of the provision. I read the new section 406B of Title 10 to be added by section 508, as nothing more than a restatement of the Anti-Deficiency Act.

The Anti-Deficiency Act, of course, is the law that says the President and other officials in the Executive branch cannot spend funds that have not been authorized and appropriated by the Congress. And that is the area where I believe we have an infringement on the Congress' responsibilities by what is happening. That is an essential check. That is to say, the Anti-Deficiency Act is an essential

check on the Executive branch. It is a law that safeguards Congress' power of the purse.

All the new section 406B says as I read it, is that the Defense Department can spend funds in participation of U.N. peacekeeping, quote, only to the extent that Congress has by law specifically authorized the use of those funds for such purposes, end of quote. Now that sounds like the Anti-Deficiency Act to me.

Mr. BERMAN. Would the gentleman yield on that issue?

Mr. BEREUTER. When I complete my statement, I will be happy to yield.

The Anti-Deficiency Act was in effect when President Clinton sent our forces to Haiti, and no one claimed he was violating that law. So that must mean that he had the legal authority to spend Defense Department funds for sending our forces into Haiti. We did not like what he did. We thought it was wrong. We thought it was a violation of what he said was peacekeeping, but no one claimed it was not within his power as Commander-in-Chief to do that.

Whatever legal authority the President had to spend those funds for Haiti will remain in effect as if section 508 is enacted. That authority will satisfy the requirement in the new section 406B that Congress have, quote, "specifically authorized the use of those funds for such purposes," end of quote. That is how I read section 508.

If it can be fairly read to infringe the President's constitutional authority, I would hope and expect that the committee of jurisdiction, the National Security Committee, will clarify the provision during its markup to eliminate any ambiguity. Indeed, I understand the chairman's mark in the committee will do precisely that.

If there is ambiguity remaining after the National Security Committee's report on section 508, then I can assure my colleagues and the administration that I will work with them further along in the legislative process to eliminate that ambiguity. But I believe the National Security Committee will take care of it today. At this stage, however, I think we should let the committee of jurisdiction handle section 508; and we can revisit the issue later in the legislative process if we are not satisfied with the job that they do. Accordingly, I urge my colleagues to defeat the amendment.

Mr. BERMAN. Will the gentleman yield?

Mr. BEREUTER. Be pleased to yield to the gentleman from California.

Mr. BERMAN. It is clear that the whole purpose of the Anti-Deficiency Act is to require the expenditure of funds by the executive branch have been authorized by Congress. The President never spends any money that was not authorized and appropriated by the Congress.

It is the addition of the words "specifically authorized for such purposes" that undermines I think the gentleman's otherwise very well-stated argument. There was no specific authorization to spend funds to go to Haiti. But maybe you liked what he did in Haiti and maybe you did not, but did you like what the President did when the revolutionary guard moved towards southern Kuwait or when we provided air protection for the Kurds in northern Iraq or for any—or the peacekeeping operations in Korea?

The fact is, it is the addition of the words "specifically authorized" that makes this—this is an amendment to the DOD authorization bill, and it requires a specific authorization for the specific purpose. It goes way beyond the purpose of the Anti-Deficiency Act, and it is just—there is nothing ambiguous. There is nothing left to find out. The Secretary of State has come here and testified that, in addition to being unwise, he thinks—and he has some basis for thinking it—that it is unconstitutional.

Chairman GILMAN. The gentleman's time has expired.

Mr. BEREUTER. I ask unanimous consent for 30 additional seconds.

Chairman GILMAN. The gentleman is recognized.

Mr. BEREUTER. Thank you very much my colleagues.

I reclaim my time, and I would say to the gentleman while those from the Congress do not contest the fact that the President has the opportunity to undertake ill-advised operations like that which has taken place in Haiti, we must reserve our constitutional responsibilities in the next appropriation authorization process to specifically prohibit the continuation of funds. That is one of our prerogatives we have to defend.

Mr. BERMAN. Not if this passes.

Chairman GILMAN. The gentleman's time has expired.

Mr. Goodling is recognized for five minutes.

Mr. GOODLING. Mr. Chairman, I think it is good Mr. Berman offered the amendment because I think it helps to sharpen the debate over what it is that is at issue in the peacekeeping title of H.R. 7. The proponents of H.R. 7 want to limit—and I repeat limit—U.S. participation in U.N. peacekeeping. And I am assuming that the opponents of H.R. 7 want to do the opposite. They want to see more U.S. involvement in U.N. peacekeeping operations. Mr. Berman's amendment certainly would permit that.

The amendment says, and I quote, the President may deploy as Commander-in-Chief of the United States Armed Forces any member of the United States Armed Forces for participation in support of peacekeeping activities authorized by the United Nations Security Council resolution.

I think there is no mistake about it that this is a grant of authority to the President to send U.S. forces anywhere in the world any time to engage in peacekeeping activities authorized by the U.N. Security Council, and I think this is an unprecedented blank check that Mr. Berman would have us write to the President, and I do not believe we have ever before given a President this kind of authority.

Now, if in a future peacekeeping effort there is a disaster in the past, as someone mentioned, yes, you could blame the President if we were not involved. However, this amendment makes it very clear that we are very much involved, and we are the people to be blamed. So, again, I think this really helps us define what is at stake, and I would oppose the amendment.

Mr. BERMAN. In response to his point, would the gentleman yield for one quick point?

Mr. GOODLING. Be happy to yield to the gentleman from California.

Mr. BERMAN. The gentleman actually read the provision, but he failed to read the first portion of it: Subject to the power of the Congress to declare war. There is no question that there is the ultimate limitation.

Mr. GOODLING. Was war declared in Haiti and Somalia?

Mr. BERMAN. Was it declared before we spent a dollar on preparing for the attack on Kuwait?

Mr. GOODLING. It was not declared at all in the case of Somalia.

Mr. HAMILTON. Would the gentleman yield, Mr. Goodling?

Mr. GOODLING. Be happy to yield.

Mr. HAMILTON. I want to comment on one phrase. I think I heard you say that those of us on this side of the aisle wanted to expand U.N. peacekeeping activities. I don't think that is our purpose. Our purpose is to keep the option of participation in peacekeeping operations open, because presidents, all presidents since the end of World War II, have found it a useful tool from time to time.

Now it is also true, as you have pointed out very effectively, that we have not handled peacekeeping very well, and we have made some mistakes in the recent past. Everybody points to the Somalia incident, where we saw mission CREEP. And so you certainly have a point when you argue U.N. peacekeeping and our involvement relation to it has not always been well-handled over time.

My impression is this: that in 1994, maybe in 1993 as well, we began to make some real progress on this with Presidential Directive Number 25, which asks all the right questions before the U.S. engages in peacekeeping. And it is significant to note that in 1994—I think I am right on this—maybe others can correct me—we, the United Nations, the United States did not engage in any new major peacekeeping activities. In other words, in a sense we are fighting a battle here that has, in part at least, been won. That is, we are beginning to improve our relationship to U.N. peacekeeping.

But the principal point I wanted to make—and I thank the gentleman for yielding—is that, so far as I am concerned, I am not trying to expand U.N. peacekeeping. What I am trying to do is to keep that option open because I think it is an important option for an American President to have and to be able to use.

Chairman GILMAN. The gentleman's time——

Mr. GOODLING. You use the word "apparently", which I think is fuzzy enough to take exception to.

Chairman GILMAN. Mr. Roth is recognized for five minutes.

Mr. ROTH. Thank you, Mr. Chairman and members.

Basically, as I see it, over the years we have debated this issue in one form or another and we have always come down to this: Should Congress be in on the takeoff as well as the crash landing or are we going to let the President set up the situation in such a way that by the time Congress does get involved that Congress' doors are all closed and their options are shut off?

I think Congress should be involved in foreign affairs, and that is why I am opposed to this amendment. And I think our colleagues, Mr. Bereuter and Mr. Goodling, made the point and made it well. As I see it, either we follow the Contract With America or we do not.

The Contract With America specifically states two things: One, it prohibits the use of DOD funds to pay United Nations' assessments or to make voluntary contributions to the U.N. peacekeeping operations; and, two, it says that Congress must approve any use of DOD funds to cover the costs of U.S. forces participating in U.N. peacekeeping.

We have had problems in this area. That is precisely why in the Contract With America we specifically stated that. Now, this amendment seems to say that, notwithstanding section 508, the President could send U.S. forces into United Nations' peacekeeping even—I want to stress the word even—even if Congress had not approved the use of funds for that purpose.

Well, it is hard for us to say that Congress is going to be involved if we do not get involved with the President when these basic decisions are made. No one is saying the President is not Commander-in–Chief. That is not in question. But the Constitution does not say anywhere that simply by being Commander-in–Chief the President can put U.S. forces into United Nations' peacekeeping operations. And Congress has the ultimate power of the purse. If Congress denies the use of funds for a particular purpose, then the President must accede to Congress.

What section 508 says is that no U.S. troops can go into U.N. peacekeeping operations unless Congress specifically votes the funds to cover those extra costs. That is precisely what we are trying to get at in the Contract With America. The bottom line is either you support putting this limit on the use of U.S. troops or you do not.

If we want the President to be free to send U.S. forces anywhere without Congress voting the money to pay that cost, then we can vote for this amendment. But then we cannot come back later on, my friends, and complain that the President presents Congress with a fait accompli; and it is too late; all the doors are shut. I don't think that is the type of foreign policy we want.

I think we want Congress involved. That is precisely why we have the Contract With America. And what our friends on the other side are doing, they are not in favor with the Contract With America, so those of us who are in favor and have signed on to the Contract With America certainly I think intend to be opposed to this amendment, Mr. Chairman.

Mr. BEREUTER. Would the gentleman yield?

Mr. ROTH. Yes.

Mr. BEREUTER. I thank the gentleman for yielding.

You know, Presidents of both parties have made the Congress' war-declaring power an irrelevant antiquity. They have used the U.N. cover to take away this constitutional responsibility of state. So the gentleman is rightly pointing out that, while Mr. Berman talks about his amendment making exception for Congress' war-making powers, that is irrelevant. The gentleman is right.

What we are trying to do is defend the one remaining ability to influence what happens with our forces and that is the power of the purse. What we are attempting to do by Section 508 and oppose with section 508A is to protect that last vestige of our ability to influence what happens to the Armed Forces of the United States.

I thank the gentleman for yielding.

Chairman GILMAN. The gentleman's time has expired.

Mr. Johnston.

Mr. JOHNSTON. Mr. Chairman, move to strike the last word.

If I could just go into a little history here of Presidential authority or lack thereof.

There was no Presidential authority to go into Panama, into Grenada. We had a half million troops into Saudi Arabia before we ever had any debate on Desert Storm. There was congressional authority to go into Lebanon, and that was an unfortunate incident.

In Panama, in 12 days, we lost 19 people. In Grenada, in 5 days, we lost about the same. In Somalia, on January 20, the inauguration date of President Clinton, there were 28,000 troops already there in Somalia; and in 13 months in Somalia we lost 30 men and women, all volunteers, twice by the Rangers.

Under this provision, you are really destroying any ability of a President to move. I will give you one example.

Under the bill, as written now, President Clinton could not have sent any troops into Rwanda. He sent 4,000 troops in there. They stopped cholera. They probably saved 200,000 Rwandans from dying from either cholera or starvation there, and they removed troops without one casualty at all, something no one even knows about.

And I think then if you go back and review the history of the actions of President Reagan—whether it be Grenada or Lebanon—the actions of President Bush—whether it be Panama or Kuwait—and I go back to what the Ranking Member said, there were mistakes made in Somalia. No question about it. But when you look, relatively, being there for 13 months, saving 500,000 Somalians from starving to death, then I think you are making a serious mistake by requiring Congress to rubber stamp or not to rubber stamp everything that the executive does.

Mr. LEACH. Would the gentleman yield?

Mr. JOHNSTON. Certainly.

Mr. LEACH. You have talked about the past. Let me make a prospective observation. What happens if this Congress would adjourn, let's say, October 1st and of all the inconvenient things Syria and Israel declare a treaty of peace and involved is the possibility of peacekeeping on the Golan Heights? Let's say a thousand U.N. peacekeepers are asked to go there. Let's say 100 are asked to be American.

Would the President of the United States of America, under this circumstance, be denied the right to send 100 peacekeepers to the Golan Heights to protect a peace treaty between Israel and Syria? It is a very profound question, because Congress would be adjourned. I think most of us would vote to endorse that circumstance, but do you want to have the President proscribed by law from allowing that to occur? I think it would be a mistake.

Mr. JOHNSTON. Which side are you on, Mr. Leach? Oh, I am sorry. You are on the right side. I apologize.

Has my time expired? I think Mr. Leach makes a good point. In other words, it was August in which President Bush put 500,000 troops into Kuwait without Congress making a peep about it. It was not really until the following January that we debated it at all.

I relinquish the balance of my time.

Chairman GILMAN. The gentleman's time has expired.

Mr. Burton.

Mr. BURTON. I thank the Chairman.

I think Mr. Bereuter or someone said that this would be corrected by the National Security Committee, and that makes sense.

When I read this amendment it kind of scares me. And the reason it scares me is because it smacks of something I remember a long time ago called the Gulf of Tonkin Resolution. And I know many of my colleagues remember that, those who were here back in those days—and that has been some time ago—with chagrin because President Lyndon Johnson was given relatively a blank check to do what he wanted to, which expanded the involvement in Vietnam.

So I think that while there does appear to be some need for some correction in this section of the bill, I think this language is just far too broad, and it gives the President pretty much a blank check.

Mr. GEJDENSON. Would the gentleman yield?

Mr. BURTON. I have already said I would yield to my colleague, Mr. Bereuter, should he choose to want me to yield to him. But, if not, I will be happy to yield to my colleague if you want—I will be happy to yield.

Mr. GEJDENSON. I think Mr. Burton's language comes from the Constitution of the United States, something I think the gentleman should not be frightened of.

You know, it seems to me that the comments Mr. Roth made about the contract—your side has amended the original language several times now. This amendment is a particularly important one because, without giving the President—making sure we are not restricting the President's authority to send, as Mr. Leach pointed out, a handful or 100 peacekeepers to cap a deal that might bring peace to the Middle East, what you leave the President is with the constitutional authority to move unilaterally if he uses solely American forces.

Mr. BURTON. If I may reclaim my time. I just want to say my colleague, as he does so effectively so many times, stretches the truth beyond comprehension.

I don't know anyplace in the Constitution where it says, and I quote, the President may deploy as Commander-in-Chief of the United States Armed Forces any member of the United States Armed Forces for participation in support of peacekeeping activities authorized by United Nations Security Council resolutions. Where are the United Nations Security Council resolutions mentioned in the United States Constitution?

And I would further ask why Mr. Hamilton, who was then Chairman of the Foreign Affairs Committee, why did he sponsor legislation unsuccessfully, as it turned out, in the last Congress to authorize peacekeeping operations in Somalia and Haiti? If this proposed section 508A had been law during the last Congress, including this statement the President may deploy U.S. forces for participation in peacekeeping activities authorized by the United Nations Security Council resolutions, would there have been a real need for the Somalis/Haiti resolutions he offered? Wouldn't section 508A have given the President all the authority he needed without any resolutions?

Mr. HAMILTON. Would the gentleman yield?

Mr. BURTON. Be happy to yield to my colleague.

Mr. HAMILTON. This is precisely the point I have been trying to make.

You are right. I tried to get the Congress to go on record to authorize American forces in Somalia. It is my view that the constitutional responsibility of the Congress is to authorize the placement of American combat forces in any area where they may be in danger. Yet you cannot get the Congress to do it. You just cannot get them to do it. Because we want to hold back and wait and see how it comes out and then blame or praise the President.

What bothers me about this section is this: the requirement that Congress must specifically authorize, not something as drastic as combat action, but must specifically authorize participation in peacekeeping operations.

Mr. BURTON. If I might reclaim my time.

Mr. HAMILTON. I thank the gentleman for yielding.

Mr. BURTON. We have heard this term "trip wire" many times before. You put troops in this kind of a situation without any authorization from Congress and give the President a blank check, and you set up a trip wire which could involve us in a major conflict.

I understand that the Congress was recalcitrant on some occasions as far as what the President wanted. Perhaps with the new makeup of Congress that will be different. I don't know. But I would just like to say that I believe that we do not need any what I would consider Gulf of Tonkin resolutions, which is broader, in my view, than the Gulf of Tonkin Resolution was, because this is worldwide. It is not confined to a single military operation.

Chairman GILMAN. The gentleman's time has expired.

Mr. Ackerman.

Mr. ACKERMAN. The gentleman asks where in the Constitution the powers of the President might be. I have a copy of it over here. It is article 2, section 2. And it says specifically that the President is the Commander-in-Chief of the Army, the Navy, of the United States and of the militia of the several States when called into actual service of the United States.

And once they are called into service of the United States, it seems to me it is perfectly clear that the President can deploy members of the Armed Forces and has done so historically.

I yield to Mr. Berman.

Mr. BERMAN. I thank the gentleman for yielding.

I would like to make two points. Reliance on the Contract is not a complete defense to an act of insanity.

And I would like to use the Washington Times here. The Washington Times—since I think I am not a good source to argue about the merits of this particular Contract provision because I have doubts about other ones, too, that many of you do not share—the last paragraph of an editorial they wrote on January 9 referring to the Dole Peace Powers Act, which is essentially the exact same thing as the Contract, in endorsing many provisions of it. As to this particular section, here is what they said:

The remainder of this act is bad politics. It was so when Mr. Dole brought his first bill restricting the authorities of the Commander-

in-Chief relating to the United Nations, and so it is now. The power to deploy American forces—this is the Washington Times, not the Post, not the New York Times, not the, you know—the power to deploy American forces has to rest in one set of hands, not 535.

Furthermore, the United Nations served George Bush admirably to build the coalition he needed in the Persian Gulf against Iraq, which also helped win over a reluctant U.S. Congress. Such flexibility would be denied future Presidents according to Mr. Dole's bill. If Mr. Dole is truly concerned about any given deployment of American forces in a U.N. context, all he has to do is ensure that the funding is cut. The power of the purse strings rightly belongs to Congress, and that should be enough.

Not the specifically prior authorization of any specific act, peacekeeping activities, which, in so many cases this is not the bureaucracy of the U.N. and some other countries foisting on us an obligation, it is the United States playing its role as the remaining superpower, leading and using the United Nations Security Council as one of its diplomatic tools. Why hamstring them? Especially in the context of its classic example of an effective use in 1990.

I would like to hear, Mr. Chairman, from the administration on this issue, and then I am prepared to end my portion of the debate.

Ms. SHERMAN. Wendy Sherman from the Department of State.

We strongly agree, as will come as no surprise to the committee, with Congressman Berman in his amendment for the points that he and the others, including Mr. Leach, have eloquently made, and that is that we undermine any President's ability to deploy forces as is necessary in the interests of this country. And to do so is to put our country at risk in difficult times, whether it be to save lives or to keep a war from occurring, which is what peacekeeping is about. So we very strongly support the Berman Amendment and very much think that this bill needs to be changed.

Members also quite correctly have spoken—and I have spoken with our Counsel—that the words "specifically authorized" is the issue at hand; and I would be glad to have DOD speak to this if you so wish.

Chairman GILMAN. I thank the lady for her remarks.

Mr. ROTH. Mr. Chairman.

Chairman GILMAN. And now the Chair has three speakers who have requested recognition: Mr. Rohrabacher, Mr. Gejdenson, Mr. Houghton. And then I think we will try to conclude debate on this amendment.

Mr. ROTH. Mr. Chairman, may I briefly be recognized?

Chairman GILMAN. Mr. Rohrabacher could yield to you. Mr. Rohrabacher.

Mr. ROHRABACHER. I will yield 30 seconds to my friend, Mr. Roth.

Mr. ROTH. I was hoping maybe for a minute, but let me just say this, that we should vote against this amendment. This issue is a fundamental issue that has been debated—to have the administration say they are opposed. Naturally, they would be.

But we are speaking here for the Congress. We made an agreement with the people of America in our Contract With America, and it specifically states what we are going to do. Let me tell you,

my friends on this side of the aisle, the first people to criticize if you do not live up to the agreement will be the people on the other side. Do not be fooled for a minute. Let us stick with the agreement we made with the American people.

Our friend from Indiana, who we all respect very much, said Congress does not jump in fast enough. Well, hey, wait a minute. Congress speaks for the American people. Maybe the American people do not want to jump in fast enough. The last time I checked this government still belonged to the people. In our agreement with the people of America we said we were going to uphold—we were going to uphold the provisions in the Contract.

Chairman GILMAN. Would the gentleman yield?

Mr. ROTH. I am saying promises made must be promises kept, and I thank the gentleman for yielding.

Chairman GILMAN. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you, Mr. Roth.

The discussion that we are having today I think we were bound to have eventually. I mean, we have heard examples of Panama and Grenada and the commitments that were made in the past. One fact has changed dramatically since those military commitments were made: The Cold War is over.

In the post-Cold War world, the American people are justifiably more cautious about American military commitments and the precipitous use of American military forces than we were during the Cold War when your national survival was at stake. Limiting our Chief Executive's ability to make commitments to U.N. operations by requiring congressional authorization is a responsible course of action.

Mr. Berman's amendment is a blank check. It is an open authorization for our President to make long-term and risky commitments if the U.N. General Assembly authorization is achieved. What should be important to us, as Americans, is that our Congress act and not the U.N. General Assembly act when we are committing American troops and risking American lives.

Mr. BERMAN. Would you yield for a clarification of one phrase?

Mr. ROHRABACHER. Yes.

Mr. BERMAN. It is just that the General Assembly does not authorize.

Mr. ROHRABACHER. The Security Council or General Assembly.

Mr. BERMAN. Not or Security Council.

Mr. ROHRABACHER. It is more important in the post-Cold War world—it is less important than the difference between the General Assembly and the Security Council than that difference between the Congress of the United States and the Security Council.

It is important in the post-Cold War world that before we make military commitments that are long-lasting military commitments, whether it is in the Golan Heights or anywhere else, that Congress be involved in the decision. And if we are out of session and it is important to the peace of the world, Congress can be brought back into session. There is no problem with that. I seem to remember that is what happened during the Gulf war. We were brought back into session.

Now, if we are going to put our Treasury at stake and we have limited resources—our lives at stake, as we did in Somalia and

Rwanda—it is important now in the post-Cold War world—and we believe that we have seen—the American people have seen the examples of when Congress makes a decision, makes its approval. Some of us believe that was a mistaken decision to spend that money and to expend those lives in Somalia and Rwanda. We do not believe it was worth it. We should have a chance to have a say in it.

Peacekeeping in the Golan Heights, as I say, might be an important thing. It is an important issue. I am inclined to support that, by the way. But the fact is Congress should act on it. We should debate it. And it should not be left up to the President of the United States. Again, during the Cold War times were different.

And what really irks this Congressman is I remember time and time again during the Cold War when I saw my friends on the other side of the aisle who now do not want to tie the hands of the President at all in any way, who time and again prevented—tried to prevent our efforts in Central America in particular to try to prevent the expansion of communism, tried to prevent us from even helping our friends with military assistance, much less sending American military personnel.

So with the Cold War over, those restrictions, at least, that you were talking about then for the President of the United States at least now we should have a say, a direct say, for men and women are going to put their lives on the line, and our Treasury is to be spent.

This amendment should be voted down. It is a blank check and goes in exactly the opposite direction. Thank you.

Chairman GILMAN. The gentleman's time has expired.

Mr. Gejdenson.

Mr. GEJDENSON. Mr. Chairman, the heart of Mr. Berman's amendment is the Constitution. It speaks in lines 3 through 6 about the President's authority. And while the Soviet Union is not a threat to the United States, it is not the end of threats to peace and tranquility around the globe. That is the mistake that was made after World War I when many people in this country felt that with the defeat of the Germans all dangers to the United States were over, and it was time to put your head in the sand.

The United States will have choices to make in the future in areas where there are crises which affect our interests. If we hamstring the President's ability to work through this multilateral organization, the choice will be unilateral action, which is far more dangerous. The President will be able to put 1,000 American soldiers by themselves without congressional action, and Presidents will be driven to the course which has the least resistance in the Congress. And that, to me, is a much more dangerous situation.

I have before me a list of some 36 peacekeeping operations since 1948. As I look over them I do not see trip wires for greater American involvement. The United States participated with 220 Americans in 1948 after a cease-fire between the Arabs and the Israelis; in 1949 between India and Pakistan. And the list goes on and on.

In some instances, the United States participated; in others, it did not. But what is clear is the world and the United States was better off because we acted through a multilateral organization; and it seems to me that if we withdraw or we cripple the Presi-

dent's ability to operate through the United Nations, we, like the Congress and the countries after World War I, will see new crises develop that will engulf us and the rest of the globe. And the bad news today is that technology has made even irrelevant nations far more dangerous and capable of doing damage to us and other nations.

It seems to me that for those of us who are ready to argue on specific executive actions this is the right course of action. The Gulf of Tonkin is a good example of where Congress is often ready to jump in on day one, and it does make sense for Congress to take some time and review the policy.

So, for me, this is the right course. For this President and for future Presidents. It is the right course for the country not to leave us with the only option being of placing American personnel isolated by themselves as the peacekeepers.

Mr. BEREUTER. Would the gentleman yield?

Mr. GEJDENSON. Be happy to yield.

Mr. BEREUTER. I thank the gentleman.

I would say to my colleagues that I think this issue comes down to this: The current language of the bill before us is too restrictive. The amendment by the gentleman from California is overly broad. We ought to leave this to the committee of jurisdiction, the National Security Committee, to solve the issue as they intend to do today.

If we do not like their solution, we as Members of Congress have an opportunity on the floor to make a change. But the gentleman's amendment I think ought to be rejected.

Mr. GEJDENSON. The gentleman would just conclude with the couple of seconds I have left, to say that 12 out of 17 existing peacekeeping operations were begun under the Bush administration. That with this language in place, the President would have had a difficult, if not impossible, time under the Bush administration to have pulled together Operation Desert Storm. It seems to me that Congress has the ability to intercede, but we ought not tie the President's hands to the point where he cannot participate in multilateral operations in the U.N.

Chairman GILMAN. The gentleman's time has expired.

The final speaker to be recognized on this matter is Mr. Houghton.

Mr. HOUGHTON. I would like to yield 30 seconds to Mr. Goodling, Mr. Chairman.

Mr. GOODLING. I thank gentleman for yielding.

I want to agree with the gentleman from Connecticut as to what happened after World War I, it also happened after World War II, and it is also happening now, partially caused by the United States with some of the defense cuts we have made, but also partially because much of the DOD money is being transferred into peacekeeping missions rather than dealing with our own security. So I think we want to think seriously about what we are doing after the so-called end of the cold war, which I don't believe has ended.

Chairman GILMAN. Mr. Houghton.

Mr. HOUGHTON. Mr. Chairman, I am delighted to be back on this committee.

Chairman GILMAN. We welcome you as a new member.

Mr. HOUGHTON. Thank you very much.

Chairman GILMAN. Returning former member.

Mr. HOUGHTON. It seems like I never left, because the same questions are being tossed around now, the questions, really, of Presidential authority versus what this Congress should be doing.

I happen to believe in the Contract. I signed it. I am a fervent advocate of it. I don't think there is anything inconsistent with what Mr. Berman is suggesting and the Contract. You either freeze until you have an emergency or you have flexibility until you want a freeze. And, frankly, I think the thing is an element of timing. You have flexibility until something happens, until the Congress decides to withdraw the funds or freeze the funds or something like that.

I cannot imagine that any President, starting with Dwight Eisenhower and moving on forward, if he came in this room, would urge anything but the insertion of the language that Mr. Berman suggests. And, frankly, I think what it does is it signals to the world, if we do not have something like this, and it may not be exact, that we are immobilized and that is what we do not want to have, because so many people take advantage of this country.

I think what this tends to do is to free up not only the President but also the Congress to do what is necessary in their proper time schedule. It is far easier to have one person make a decision than 535.

Thank you very much.

Chairman GILMAN. The gentleman's time has expired.

Question is now on the amendment.

All those in favor, signify by saying aye.

All those opposed, no.

The noes appear to have it.

Mr. BERMAN. Roll call vote, Mr. Chairman.

Chairman GILMAN. A roll call has been requested. Is there a sufficient number to second?

Mr. BERMAN. Second the roll call.

Chairman GILMAN. There is a sufficient second. A roll call vote is ordered.

The Chief of Staff will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. No.

Mr. GARON. Mr. Gilman votes no.

Mr. Goodling.

Mr. GOODLING. No.

Mr. GARON. Mr. Goodling votes no.

Mr. Leach.

Mr. LEACH. Aye.

Mr. GARON. Mr. Leach votes aye.

Mr. Roth.

Mr. ROTH. I am going to follow the Contract, no.

Mr. GARON. Mr. Roth votes no.

Mr. Hyde.

[No response.]

Mr. GARON. Mr. Bereuter.

Mr. BEREUTER. No.

Mr. GARON. Mr. Bereuter votes no.

Mr. Smith.
[No response.]
Mr. GARON. Mr. Burton.
Mr. BURTON. No.
Mr. GARON. Mr. Burton votes no.
Mrs. Meyers.
Mrs. MEYERS. No.
Mr. GARON. Mrs. Meyers votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly votes no.
Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Mr. GARON. Ms. Ros-Lehtinen votes no.
Mr. Ballenger.
Mr. BALLENGER. No.
Mr. GARON. Mr. Ballenger votes no.
Mr. Rohrabacher.
Mr. ROHRABACHER. Absolutely no.
Mr. GARON. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. Positively no.
Mr. GARON. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King votes no.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
Mr. BROWNBACK. A simple no.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. Aye.
Mr. GARON. Mr. Chabot votes aye.
Mr. Sanford.
Mr. SANFORD. Yes.
Mr. GARON. Mr. Sanford votes yes.
Mr. Salmon.
[No response.]
Mr. GARON. Mr. Houghton.
Mr. HOUGHTON. Yes.
Mr. GARON. Mr. Houghton votes yes.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes no.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.

Mr. GARON. Mr. Lantos.
[No response.]
Mr. GARON. Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
Mr. BERMAN. Aye.
Mr. GARON. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. I am going to follow the Constitution, aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. Johnston.
Mr. JOHNSTON. Aye.
Mr. GARON. Mr. Johnston votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Mr. GARON. Mr. Engel votes aye.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. Yes.
Mr. GARON. Mr. Faleomavaega votes yes.
Mr. Martinez.
Mr. MARTINEZ. Aye.
Mr. GARON. Mr. Martinez votes aye.
Mr. Payne.
Mr. PAYNE. Aye.
Mr. GARON. Mr. Payne votes aye.
Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
[No response.]
Mr. GARON. Mr. Brown.
[No response.]
Mr. GARON. Ms. McKinney.
Ms. MCKINNEY. Aye.
Mr. GARON. Ms. McKinney votes aye.
Mr. Hastings.
Mr. HASTINGS. Absolutely, positively aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.
Mr. MCNULTY. Aye.
Mr. GARON. Mr. McNulty votes aye.
Mr. Moran.
Mr. MORAN. Aye.
Mr. GARON. Mr. Moran votes aye.
Mr. Frazer.
Mr. FRAZER. Aye.
Mr. GARON. Mr. Frazer votes aye.
Mr. Menendez.
[No response.]
Mr. SMITH. Mr. Chairman, I vote no.
Mr. GARON. Mr. Smith is no.

Mr. MENENDEZ. Mr. Chairman, how am I recorded?
Chairman GILMAN. Mr. Menendez wants to know how he is recorded.
Mr. GARON. He is not recorded.
Mr. MENENDEZ. Yes.
Mr. GARON. Mr. Menendez is aye.
Mr. Hyde; Mr. Salmon; Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Torricelli; Mr. Brown.
Mr. Brown. Votes aye.
Mr. GARON. Mr. Brown is aye.
Chairman GILMAN. Are there any Members not recorded?
The Chief of Staff will read the tally.
Mr. GALLEGLY. Mr. Chairman.
Mr. GARON. Mr. Hyde.
Mr. HYDE. Nay.
Mr. GARON. Mr. Hyde is no.
Chairman GILMAN. Are there any other Members who have not been recorded?
Mr. ACKERMAN. Mr. Chairman, what is the vote?
Chairman GILMAN. Suspension for just a moment.
Mr. ACKERMAN. Regular order, Mr. Chairman. Regular order, Mr. Chairman.
Mr. BERMAN. Mr. Chairman, could I have the status of our Roll Call?
Chairman GILMAN. There is a request before the committee.
Mr. BERMAN. How about the request to announce the vote?
Mr. GOODLING. The Chairman is in charge, you are not.
Mr. Chairman, I would like to change my vote to aye.
Chairman GILMAN. Would the Chief of Staff announce the vote?
Mr. GARON. Mr. Goodling changes his vote to aye.
Chairman GILMAN. Would the Chief of Staff please announce the tally?
Mr. GARON. On this vote, the ayes are 23, the noes are 18.
Chairman GILMAN. The amendment is agreed to.
Chairman GILMAN. Are there further——
Mr. BEREUTER. Mr. Chairman.
Chairman GILMAN. Mr. Bereuter has an announcement.
Mr. BEREUTER. I move to strike the last words, and to announce to the Members and other interested parties, that it was necessary to cancel the hearings of the Asian-Pacific Subcommittee because of the conflict with a markup, and we will reschedule that at the earliest possible time.
I thank the Chairman.
Chairman GILMAN. Thank you, Mr. Bereuter.
Mr. Moran is recognized on reservation.
Mr. ACKERMAN. Mr. Chairman. Mr. Chairman.
Chairman GILMAN. Mr. Moran is recognized.
Mr. MORAN. Then I will yield briefly to Mr. Ackerman.
Mr. ACKERMAN. I move to lay on the table the motion to reconsider.
Chairman GILMAN. The gentleman will suspend.
Mr. ACKERMAN. Mr. Chairman, I will withdraw that.
Chairman GILMAN. Gentleman withdraws his motion.

Mr. Moran.

Mr. MORAN. Thank you, Mr. Chairman.

Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. Would the clerk please distribute the amendment?

Will the Chief of Staff read the amendment?

Mr. GARON. Amendment offered by Mr. Moran to the amendment in the nature of a substitute to H.R. 7. Page 64——

Mr. MORAN. Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Chairman GILMAN. Without objection, further reading of the amendment is dispensed with, and Mr. Moran is recognized for 5 minutes.

[The information follows:]

AMENDMENT OFFERED BY MR. MORAN TO THE AMENDMENT IN A NATURE OF A SUBSTITUTE TO H.R. 7

Page 64, after line 2, insert the following:

(e) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Section 203 of such Act (as amended by subsection (d)) is further amended by adding at the end the following:

"(h) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Prior to providing assistance to a country for the first time through the program established under subsection (a), the President shall transmit to the designated congressional committees a report with respect to that country that contains a description of the following:

"(1) The cost of membership in NATO for the country and the amount that the country is prepared to contribute to NATO to pay for such cost of membership.

"(2) The amount that the United States will contribute to facilitate transition to full NATO membership for the country.

"(3) The extent to which the admission to NATO of the country would contribute to the security of the United States.

"(4) The views of other NATO member nations regarding the admission to NATO of the country and the amounts that such other NATO member nations will contribute to facilitate transition to full NATO membership for the country.".

Page 64, line 3, strike "(e)" and insert "(f)".

Page 64, line 14, strike "(f)" and insert "(g)".

Mr. MORAN. Thank you, Mr. Chairman.

Mr. Chairman, we just voted on a fundamental issue in this bill with regard to U.N. peacekeeping commitments. There is another fundamental issue in this bill that we must also address with regard to NATO commitments in the future.

My amendment is based upon two fundamental principles: Truth in budgeting and burden-sharing. In other words, that we know what the cost of commitments are before we make those commitments, and that we expect our allies, who have at least as important a stake in such commitments, to shoulder their fair share.

My amendment would require that before we obligate or expend funds under this title, that we know what the cost of expanded NATO membership will be, how much assistance will be required to go from our taxpayers to each new NATO member, how much each of those new members are willing to pay out of their own resources for NATO membership, how much our NATO allies are willing to contribute for such NATO membership, what, in fact, is the view of those NATO allies on expanding NATO to the four specified countries, and lastly, what will this new NATO membership contribute to U.S. security.

Mr. Chairman, we are being asked to make some profound commitments. I am very sympathetic to addressing wrongs that we at least tacitly accepted after World War II. There is no question but that these countries that we talk about, Poland, Hungary, the Czech Republic, and Slovakia, have been the victims of Communist expansion and, in fact, it is the—it was the situation of where the Red Army was in 1945 that really determined the lives of three generations of citizens of those countries, oppressed them.

I would like to redress their grievance, I would like to provide a kind of security that we and our allies are capable of providing, but, before we make this profound commitment, we have to know what the implications are. You know, U.S. troop levels in Europe have gone down the last 5 years, from 300,000 to 100,000. The Pentagon tells us that if we make these commitments, we have to regenerate those troops. We have to substantially expand our troop presence. We probably have to move military equipment into these four additional countries.

Our foreign assistance is going to be cut dramatically this year, and yet, we are making a commitment essentially to make more foreign assistance for these countries to enable them to be viable members of NATO. Defense spending by our NATO allies is declining and yet they will be making a concomitant commitment to the security of these additional NATO countries.

Mr. Chairman, I do not think that we can make that commitment on behalf of the American taxpayer until we know what the size of that commitment is. We have been arguing for the last week and a half on the floor of this body, the issue of unfunded mandates.

The premise of that bill is that we ought not make commitments until we know what the cost of such commitments are and whether or not we are prepared to meet that cost. How can we know if we are going to be good to the security commitment we are making until we know what it is going to cost us. And we do not know what it is going to cost us.

We are going into this commitment blindfolded. I am only suggesting that we go in with open eyes, to know what the implications of this substantial expansion of NATO security to four countries who are at various levels of economic and political viability, what that commitment is before we make it.

Mr. BEREUTER. Would the gentleman yield?

Mr. MORAN. I would reserve the balance of my time, if the gentleman would like to get——

Chairman GILMAN. The gentleman's time has expired.

Mr. MORAN. OK, but I would be more than happy to yield.

Chairman GILMAN. The Chair recognizes Mr. Bereuter for 5 minutes.

Mr. BEREUTER. Thank you, Mr. Chairman.

I think the gentleman's arguments that we need to go into this with eyes wide open to the cost to the United States regarding the contribution of the perspective new members, the security arrangements of the countries of the NATO alliance, and the review of the comments of our NATO allies is persuasive.

I would say to the gentleman from Virginia, on page 58, lines 4 through 16, is my effort to cover some of the points that the gentleman raises, and I think there is some overlap. But I think the gentleman is more explicit and he triggers it for each country on a report. I think he makes a good case. And while there is some duplication, perhaps, I think that overall, together, they strengthen the kind of careful scrutiny that we will take before we support membership for additional countries. That cannot really be argued with only substance. So I would urge that the gentleman's amendment be accepted.

Mr. MORAN. I thank the gentleman.

Chairman GILMAN. Without objection, the amendment is agreed to.

The Chief of Staff will designate the next section.

We have reserved the section 401, 402 for Mr. Hamilton.

Are you prepared to go ahead now?

Mr. HAMILTON. Yes.

Mr. Chairman, you will recall, we reserved our privilege to come back to this to see if we could work out an agreement with Mr. Bereuter. We have not been able to do that. Although, I must say that Mr. Bereuter and your staff, Mr. Chairman, have been very cooperative. Nevertheless, we have not been able to come to a conclusion on it. We will keep working with Mr. Bereuter and others to try to reach an agreement before we go to the floor.

But at this moment I would like to go forward with my amendment. And I will just make a very brief statement in support of it, because it goes over a lot of the same ground that we have been going over this morning in debating Mr. Berman's amendment.

Sections 401 and 402, I think, represent an overreach of congressional war powers authority. These sections directly threaten the President's authority as Commander in Chief, and I think they are examples of congressional micromanagement.

For example, under those sections, the President's ability to deploy troops, any troops, whether combat or not, depends on his providing a very detailed certification to the Congress. And before he can use that certification authority, he has to submit a memoran-

dum of legal points and authorities to the Congress to explain why his actions are not unconstitutional.

In that certification, he has to lay out the kinds of things that are called for in Presidential Directive 25. There are about five pages of requirements the President must meet in that certification. That provision really does tie a President's hands, in my view. It prevents him from acting as Commander in Chief and requires reporting that come pretty close to being insulting to a President and to his authority.

So my amendment strikes the entire interpretation sections on pages 22 and 29, and strikes what I think are the overly onerous reporting requirements and returns to the constitutional wisdom. I think it is very important to state that the entire command and control issue has to be approached within the framework of the Constitution, and I think we simply need to go back to the constitutionally prescribed balance of power between the executive branch and the congressional authorities.

The President has a job to do, we have our job to do, and this either prevents the President from doing his job or it forces him to ignore the provision. So my amendments are intended to restate the constitutional balance here.

Mr. Chairman, I am fully aware of how the vote is likely to go on this amendment, and I do not see any reason to extend the debate on it. I would like to ask the Defense Department lawyers to comment briefly on how they sum up section 401, and I guess it is 402 as well.

[The amendments follow:]

HR7\028

AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON

On page 22, strike line 14 and all that follows through line 20 and insert in lieu thereof the following:

"(f) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States.".

On page 23, strike line 1 and all that follows through line 10.

On page 23, line 11, strike "(c)" and insert in lieu thereof "(b)".

On page 29, strike line 10 and all that follows through line 24 and insert in lieu thereof the following:

"(f) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States.".

On page 30, line 1, strike "(c)" and insert in lieu thereof "(b)".

Mr. BEREUTER [presiding]. The gentleman is recognized.

Mr. PRESTON. Thank you, I am Stephen Preston, Principal Deputy Counsel at the Department of Defense.

In response to Mr. Hamilton's question, I would like to make clear at the outset, the Department's very strong opposition to 401 and 402 generally, because, among other reasons, of the burden that it places on the President's authority as Commander in Chief under Article II of the Constitution.

The amendment, in the first instance, strikes the language in the present substitute amendment relating to interpretation. We believe that that language is problematic.

The problem, as I think was demonstrated at the colloquy on Friday, is that the language in the substitute amendment under the heading "Interpretation" fails in its essential purpose of clarifying. It generates confusion or at least it has the tendency to generate confusion as to whether any restriction is implied, and as to whether any congressional authority would otherwise be required. So to that extent, we think it is problematic.

Conversely, we think that the substitute language that Mr. Hamilton has offered is helpful. It does not eliminate the constitutional problems with 401 and 402, but it does make explicit that the provision is to be read consistently with Article II of the Constitution. It provides a textual statutory basis indicating that the provisions of 401 and 402 are not intended to be to abrogate the President's constitutional power.

And with respect to the third element, finally, the report requirement, we find that highly objectionable. It is unnecessary. It is perhaps unprecedented to call for that sort of legal opinion, and perhaps most important of all, it places, as Mr. Hamilton pointed out, a serious burden on the President's exercise of his Commander in Chief powers.

Mr. HAMILTON. Thank you very much.

Mr. BEREUTER. The Chair will recognize himself to speak in opposition to the amendment of the distinguished gentleman from Indiana.

There is no problem, in this member's judgment, with the language that Mr. Hamilton proposes to add to sections 401 and 402. My concern is with the language he proposes to delete from those sections.

His amendment would take out of the statements beginning on page 22, line 14, nothing in Title IV may be construed, (1), as authority for the President to use any element of the Armed Forces in any operation; or (2), as authority for the President to place any element of the Armed Forces under the command or operational control of a foreign national.

Without these statements, it could be argued that sections 401 and 402 are intended by Congress as a grant of authority to the President to place U.S. forces under foreign operational control in those circumstances where we have not forbidden it. I, for one, do not ever want my vote on this legislation to be criticized as a vote in favor of authorizing the President to place U.S. forces under foreign command.

It is to insulate all of us from such a charge that this language is in H.R. 7. If we agree to take it out, as Mr. Hamilton's amend-

ment would have us do, the implications would be that we are authorizing foreign command in certain circumstance.

Mr. Hamilton's amendment would also delete a requirement beginning on page 23, line 1, that the President submit a report to Congress on whether it is ever constitutional for him to place U.S. forces under foreign command or operational control.

This is not a gratuitous requirement that has been entered in the bill. There is a serious question whether foreign command can ever be constitutional. Just yesterday, for example, there was an article appearing in the Washington Times, submitting forth the constitutional problems with the foreign command. That article is written by two former officials of the Justice Department, Mr. Lee A. Casey and David B. Rivkin, Jr. And I will quote in part from it as part of my argument why this reporting requirement found on page 23, line 1, is important.

They say, quote: "In this instance, the President's authority over the Armed Forces, and the authority of Congress, is limited by the constitutional requirement that anyone exercising the legal authority of the United States must be an officer of the United States, appointed in accordance with the appointments clause."

They go on to say: "The Supreme Court made clear in the landmark case of Buckley versus Valeo that only individuals appointed in accordance with this provision may exercise significant Federal authority."

And they go on to say that, "Generally the appointment clause is more often analyzed in terms of civilians, the appointment thereof, but it applies equally to the military."

This requirement, which the Hamilton amendment would delete, provides us with further insulation from the charge that we are authorizing something in section 401 and 402 that is unconstitutional.

What this gentleman intends to do is to urge the members to vote against the Hamilton amendment; then this member has an amendment pending which will take the language of the Hamilton amendment that relates to the constitutional prerogatives of the President, take it intact, put it in my amendment, but also leave in the Act sections 401 and 402 as they provide some limitation on the interpretation that we are authorizing something, which I think most members here, the majority at least, would not want to authorize.

So for those reasons, and in anticipation of an amendment that I will offer which incorporates the contributions of Mr. Hamilton, but does not take out the elements, the two elements he deletes, will be offered by this gentleman.

Mr. HAMILTON. I call for a vote, Mr. Chairman.

Mr. BEREUTER. The vote has been called for.

Is there a second?

Mr. FALEOMAVAEGA. Second.

Mr. BEREUTER. Very well.

All those in favor of the Hamilton amendment signify by saying aye.

All those opposed, no.

Mr. BEREUTER. The noes appear to have it.

The noes do have it and the amendment is not agreed to.

Mr. BEREUTER. I will call up an amendment I have at the desk.

Chairman GILMAN [presiding]. The Chief of Staff will report the amendment.

Mr. GARON. Amendment to the amendment in the nature of a substitute.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent the amendment be considered as read.

Chairman GILMAN. The amendment is considered as read.

[The information follows:]

AMENDMENT TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. BEREUTER

On page 22, strike line 14 and all that follows through line 20 and insert in lieu thereof the following:

"(f) INTERPRETATION. — (1) This section is a limitation on the expenditure of Department of Defense funds for United States forces placed under command or operational control of a foreign national acting on behalf of the United Nations and is not to be construed as an authorization —

"(i) for the President to use any element of the armed forces in any operations; or

"(ii) for the President to place any element of the armed forces under the command or operational control of a foreign national;

"(2) Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States.".

Mr. BEREUTER. Mr. Chairman.

Chairman GILMAN. Mr. Bereuter is recognized for 5 minutes.

Mr. BEREUTER. Mr. Chairman, I will not take more than a minute. We have now covered this twice.

We have a genuine substance-based disagreement as to the potential interpretation of the language of the Act. But I think there should be no argument for the positive contribution of the gentleman from Indiana, the elements he is attempting to add, and I have verbatim, added them to protect an erosion of the President's constitutional powers as Commander in Chief.

But, as you can see from the amendment before you, we are concerned about an interpretation that we are in some way authorizing the President to use any element of the Armed Forces in the operation—for the President to place any element of the Armed Forces under the command and operational control of a foreign national. And that is not this member's intent to do something that can in the future be interpreted as an authorization.

Mr. Chairman, I think that is all I need to say, given previous debate.

I yield back the balance of my time.

Chairman GILMAN. Is there any further comment on the gentleman's amendment?

If not the——

Mr. WYNN. Mr. Chairman.

Chairman GILMAN. Mr. Ackerman.

Mr. WYNN. Mr. Chairman.

Chairman GILMAN. Oh, Mr. Wynn.

Mr. WYNN. Thank you, Mr. Chairman.

If the gentleman would allow me to ask a couple of questions about his amendment.

It appears to be in contradiction, to the extent that it is an express limitation on the expenditure of funds by the Defense Department, but then section 2 says: It shall not be construed to derogate or limit the authority of the President. The President cannot expend funds through the Defense Department to engage in these activities.

It, in fact, is a limitation on his authority as Commander in Chief.

Could the gentleman perhaps elaborate on that issue for me?

Mr. BEREUTER. If the gentleman would yield?

I think that is the essence of what we have been talking about in several situations today. The Congress has the constitutional role with respect to the deployment of our Armed Forces by our authorization-appropriation action. The President has a responsibility and constitutional powers as Commander in Chief, and the whole remainder of the day is how we mesh those two responsibilities.

This gentleman does not want to encroach unduly and inappropriately on the President's powers, but this gentleman does want to plot the authorization and appropriation actions of the Congress of the United States with respect to the deployment of our Armed Services. So, once more, we face the crux of this competing juxtaposition of constitutional prerogatives of the President and the Congress.

Mr. WYNN. Well, I agree with your analysis that this is the essence of the debate we are having here today. I can only add that it appears to me that we are basically saying that the United States' option in instances such as an engagement on the Golan Heights or an activity on the Golan Heights, Grenada, Panama, would be a unilateral operation.

If that is, in fact, true, and I believe it clearly is, the result of this bill and this amendment, then we seem to be going against the trend that we have established, which is that we want to engage in burden-sharing and that those countries that have the ability to participate ought to participate, but yet, we have infringed or inhibited our ability to participate with them in a multilateral action.

I tend to think that that is, in fact, bad policy, which is exacerbated by the fact that you have also hamstrung the President in the process. And so I would have to say that I think the gentleman is well-intentioned and has hit upon the fundamental philosophical difference between our two sides.

I think it is a bad policy to limit the President in this way and to run contrary to the notion that other countries that have the ability ought to be able to participate. So I would urge a rejection of the amendment.

Mr. BEREUTER. Mr. Chairman, vote.

Chairman GILMAN. Are there further requests for time?

Mr. Bereuter.

Mr. BEREUTER. No, I am ready for the vote.

Chairman GILMAN. The question is on the amendment.

So many as are in favor of the amendment will signify in the usual manner.

Opposed.

The ayes appear to have it. The amendment is accepted. The amendment is passed.

We now return to Mr. Faleomavaega's reservation on section 303.

Mr. FALEOMAVAEGA. Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. We have an amendment at the desk.

The clerk will please pass out the amendment.

The Chief of Staff will read the amendment.

Mr. GARON. The amendment offered by Mr. Faleomavaega to the amendment in the nature of a substitute to H.R. 7. Page 13, after line 9, insert the following new paragraph:

Support security enhancing measures in the Asia-Pacific, including support for the Association of Southeast Asian Nations, ASEAN, Regional Forum, which is a regionwide security dialogue encompassing the major Asia-Pacific nations.

[The amendment follows:]

AMENDMENT OFFERED BY MR. FALEOMAVAEGA (OR HIS DESIGNEE) TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 7

Page 13, after line 9, insert the following new paragraph:

(6) Support security enhancing measures in the Asia-Pacific, including support for the Association of Southeast Asian Nations ("ASEAN") Regional Forum, which is a regionwide security dialogue encompassing the major Asia-Pacific nations.

Chairman GILMAN. Mr. Faleomavaega is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Thank you.

Mr. Chairman, I rise to offer an amendment to Title III of H.R. 7, which pertains to the revitalization of the National Security Commission. This Commission is vested with conducting a comprehensive review of the long-term national security needs of our Nation.

Mention of security-related issues, Mr. Chairman, in Europe, the Western Hemisphere and Africa occur in Title III of the legislation, but nothing as to the Asia-Pacific region.

The amendment I am offering ensures the National Security Revitalization Commission does not overlook the importance of security developments in the Asia-Pacific region. Given that America's annual trade with the Asia-Pacific region is rapidly approaching $400 billion and two-thirds of the world's GNP is produced in the Pacific basin, Mr. Chairman, I submit it is in the direct interests of the United States that peace and stability are fostered in the region.

With the first meeting last year in Bangkok, a new security architecture is being framed for the Pacific through the multilateral security dialogue of the Asian Regional Forum, also known as ARF. All of the major Pacific powers, including China, Japan, the Asean nations, and the United States are presently engaged. If nurtured, the Asean Regional Forum holds the best promise for laying a framework for the creation of a NATO or CSCE in the Asia-Pacific region.

Mr. Chairman, I hope we can all agree it is in the national interest of our country that these historic Asia-Pacific historical developments not be overlooked.

I thank you for consideration of the amendment and urge my colleagues to support the amendment.

Chairman GILMAN. The Chair supports the amendment. Without objection, the amendment is agreed to.

We are now at the end of the amendment in the nature of a substitute, the original text, for the purpose of the amendment. Now would be the appropriate time to offer amendments in the nature of a substitute to the current amendment.

Mr. HASTINGS. Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. Mr. Hastings.

Mr. HASTINGS. I thank the Chair.

Chairman GILMAN. You have an amendment at the desk?

Mr. HASTINGS. I have indicated same, Mr. Chairman. I have an amendment at the desk.

Chairman GILMAN. Would the clerk distribute the amendment? The Chief of Staff will report the amendment.

Mr. GARON. Substitute amendment offered by Mr. Hastings.

Strike all after the enacting clause and insert in lieu thereof the following:

Section 1. Short Title.

This Act may be cited as the National Security Act of 1995.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the substitute be accepted as read.

Chairman GILMAN. The substitute is accepted as read.

[The amendment follows:]

SUBSTITUTE AMENDMENT
OFFERED BY MR. HASTINGS

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security Act of 1995".

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to ensure adequate resources to protect the national security of the United States. To accomplish this purpose, Congress should—

(1) realistically assess United States military needs and reverse the downward spiral of defense spending;

(2) rapidly provide the American people, United States forces, and United States allies with a capable defense against missile attacks;

(3) restrict deployment of United States troops to missions that are in the national interest of the United States;

(4) maintain command and control by United States personnel of United States forces participating in multinational operations and reform the financial and operational relationship between the United States and the United Nations; and

(5) reemphasize the commitment of the United States to a strong and viable NATO;

(b) FINDINGS.—Congress finds the following:

(1) Since January 1993, presidential budgets and budget plans have set forth a reduction in defense spending of $156,000,000,000 through fiscal year 1999.

(2) The fiscal year 1995 budget is the 10th consecutive year of reductions in defense spending and, with the exception of 1948, is projected to represent the lowest percentage of gross domestic product for any defense budget since before World War II.

(3) During fiscal year 1995, active duty, reserve component, and civilian personnel of the Department of Defense will be reduced by 180,000 people, a rate of 15,000 per month or 500 per day. The Bureau of Labor Statistics estimates that 1,200,000 defense-related private sector jobs will be lost by 1997.

(4) Despite severe reductions and shortfalls in defense funding and force structure, since 1993 United States military forces have been deployed more often and committed to more missions per year than ever before. Most of these missions involve United Nations peacekeeping and humanitarian efforts. Over 70,000 United States personnel are currently serving in such regions as Iraq, Bosnia, Macedonia, the Adriatic Sea, Rwanda, and the Caribbean Sea for missions involving Haiti and Cuba.

(5) United Nations assessments to the United States for peacekeeping missions will total almost $1,500,000,000 in 1994. The United States pays 31.7 percent of annual United Nations costs for peacekeeping and other United Nations missions. The next highest contributor, Japan, only pays 12.5 percent. The Department of Defense also incurs hundreds of millions of dollars in cost every year for United States military participation in United Nations peacekeeping or humanitarian missions, most of which are not reimbursed by the United Nations. For fiscal year 1994, these Department of Defense costs will total over $1,200,000,000.

(6) A return to the "hollow forces" of the 1970s has already begun. Navy aircraft squadrons have been fully or partially grounded because of unexpected requirements to provide resources for new commitments. Department of Defense policy affecting personnel deployment is constantly violated. Marine and naval personnel are not maintaining the standard 12 to 18 month respite between six month deployments away from home. Marine Corps units are spending up to two of their first four years away from their base camps.

(7) Military pay is approximately 12 percent below comparable civilian levels and documented reports estimate that nearly 55,000 active duty personnel and their families in the United States are eligible for food stamps. The Department of Defense will soon begin providing supplementary food benefits to an estimated 11,000 military dependents assigned overseas.

(8) Defense programs to maintain the technology edge of the United States over other nations are being delayed or canceled in an attempt to prevent the further erosion of military force readiness.

(9) The centerpiece of the Administration's defense strategy, the Bottom Up Review, reduces Navy ships by one-third. Air Force wings by almost one-half, missile defense funding by a billion dollars annually, and the General Accounting Office has reported that even the restrictive Bottom Up Review could be underfunded by $150,000,000,000.

(10) The Administration has initially agreed to or proposed treaty limitations that prohibit the United States from testing or deploying our most effective missile defense systems.

SEC. 3. MISSILE DEFENSE.

(a) PURPOSE.—It shall be the policy of the United States to—

(1) deploy at the earliest possible moment an antiballistic missile system that is capable of providing a highly effective defense of the United States against ballistic missile attacks; and

(2) provide at the earliest possible moment highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friendly forces and allies of the United States.

(b) ACTIONS OF THE SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall develop for deployment at the earliest possible date a cost-effective, operationally effective antiballistic missile system designed to protect the United States against ballistic missile threats, including accidental or unauthorized launches of attacks from "third world" nations.

(2) The Secretary of Defense shall develop for deployment at the earliest possible moment advanced theater missile defense systems.

(3) Within 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a plan for the deployment of theater missile defense systems and an antiballistic missile system pursuant to paragraphs (1) and (2).

SEC. 4. COMMISSION ON NATIONAL SECURITY AND DEPARTMENT OF DEFENSE FORCE STRUCTURE AND READINESS FUNDING SHORTFALLS.

(a) ESTABLISHMENT.—There is hereby established a Commission on National Security and Department of Defense Force Structure and Readiness Funding Shortfalls (hereinafter in this section referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of 12 members, appointed as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) Four members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate.

(2) The members of the Commission shall be appointed from among persons having knowledge and experience in defense and foreign policy.

(3) Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) The members of the Commission shall be appointed not later than 21 days after the enactment of this Act. The Commission shall convene its first meeting to carry out its duties under this section 14 days after seven members of the Commission have been appointed.

(5) The Chairman of the Commission shall be elected by and from the members of the Commission.

(c) DUTIES.—The Commission, in conjunction with the Joint Working Group, shall first assess, report on, and issue funding recommendations within 90 days regarding the immediate supplemental funding needs in the current fiscal year for the Department of Defense to—

(1) restore the readiness and operating funds for Haiti operations;

(2) restore military pay raise shortfalls;

(3) restore operating funds to maintain troop deployments that are not longer than 6 months;

(4) restore readiness related procurement funding (spares, etc.) and operating funds to prevent flying squadrons from being grounded and training curtailed.

(d) ADDITIONAL DUTIES.—To meet and improve the long-term national security needs of the United States, the Commission shall conduct a comprehensive review of our Nation's defense strategy, force structure, modernization, and infrastructure needs. This comprehensive review shall also report on and issue recommendations to—

(1) provide our service personnel annual pay raises and other compensation to prevent them from having to receive food stamps;

(2) fully fund cost-effective missile defense systems that are deployable within 7 to 9 years;

(3) accurately identify and restore the Administration's five year defense plan and force structure funding shortfalls;

(4) restore funding to service readiness and operating accounts, but not at the expense of modernization programs;

(5) define policies for committing troops to new peacekeeping, peace enforcement, or humanitarian missions;

(6) fully assess the force structure and investment funding needed to wage two major regional conflicts simultaneously;

(7) provide a stronger role for Guard and Reserve forces;

(8) provide a new funding system to avoid raids on service operations accounts to pay for deployments such as Haiti and Rwanda; and

(9) maintain modernization funding and "cutting edge" technology driven defense programs.

(e) JOINT CHIEFS OF STAFF.—To assist it in carrying out its duties with respect to the matters listed in subsection (d), the Commission shall obtain a study from the Joint Chiefs of Staff on these matters.

(f) ESTABLISHMENT OF JOINT WORKING GROUP.—To assist it in carrying out its duties with respect to the matter listed in paragraph (5) of subsection (d), the President shall establish a joint working group comprised of the National Security Advisor, the Secretary of State, and the Director of the Central Intelligence Agency, or their designees, who shall provide specific recommendations regarding such policies.

(g) REPORT.—(1) The Commission shall submit to the President and the relevant congressional committees a final report on the assessments and recommendations referred to in subsection (c) and in subsection (d) not later than May 1, 1996. The report shall be submitted in unclassified and classified versions.

(2) The Commission shall provide the President and the relevant congressional committees reports on a quarterly basis which elaborate on the Commission's progress in fulfilling its duties under subsection (d) and on the use of the funds available to the Commission.

(3) For the purposes of this section, the term "relevant congressional committees" means the Committees on Appropriations and Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) POWERS.—(1) The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this section, as may be necessary to carry out such duties. Upon request of the Chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(4) The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request. The Secretary shall provide similar services to the joint working group established under subsection (e) as the working group may request.

(i) COMMISSION PROCEDURES.—(1) The Commission shall meet on a regular basis (as determined by the Chairman) and at the call of the Chairman or a majority of its members.

(2) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(j) PERSONNEL MATTERS.—(1) Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(2) The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel

as may be reasonable and necessary to enable the Commission to carry out its duties under this section without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this paragraph (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(3) Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

(k) TERMINATION OF THE COMMISSION.—The Commission shall terminate upon submission of the final report required by subsection (g).

(l) APPROPRIATIONS.—Of the funds available to the Department of Defense, $1,500,000 shall be made available to the Commission to carry out the provisions of this section.

SEC. 5. RESTRICTION ON MULTINATIONAL AND UNITED NATIONS COMMAND OF UNITED STATES FORCES.

(a) LIMITATION.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the Armed Forces that after the date of the enactment of this Act is placed under the operational control of a foreign national acting on behalf of a multinational force or organization.

(b) CERTIFICATION.—Subsection (a) shall not apply in the case of any proposed placement of United States Armed Forces under such operational control if, before such operational control is to become effective, the President certifies to Congress that such operational control is necessary to protect vital national security interests of the United States.

(c) REPORT.—Within 10 days after a certification is made under subsection (b), the President shall submit to the Congress a report setting forth the following:

(1) A description of the vital national security interest that requires the placement of United States Armed Forces under the operational control of a foreign national acting on behalf of a multinational force or organization.

(2) The mission and objectives of the United States Armed Forces involved, and an estimate of the duration of the period during which

the United States Armed Forces involved will serve under such foreign operational control.

(3) The expected size and composition of the United States Armed Forces involved.

(4) The incremental cost to the United States associated with the proposed operation.

(5) The precise command and control relationship between the United States Armed Forces involved and the multinational force or organization.

(6) The precise command and control relationship between the United States Armed Forces involved and the commander of the United States unified command for the region in which the operation is proposed.

(7) The extent to which the United States Armed Forces involved will rely on non-United States military forces for security and self-defense and an assessment on the ability of those forces to provide adequate security to the United States Armed Forces involved.

(d) CLASSIFICATION OF REPORT.—A report under subsection (c) shall be submitted in unclassified form and, if necessary, in classified form.

SEC. 6. LIMITATION ON PLACEMENT OF UNITED STATES ARMED FORCES UNDER FOREIGN CONTROL FOR A UNITED NATIONS PEACEKEEPING ACTIVITY.

Section 6 of the United Nations Participation Act (22 U.S.C. 287d) is amended to read as follows:

"SEC. 6. (a) Any special agreement or agreements negotiated by the President with the Security Council providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the United Nations Charter, shall be subject to the approval of the Congress by Act or joint resolution.

"(b) The President may not subordinate to the command or operational control of any foreign national any element of the United States Armed Forces participating in any United Nations peacekeeping activity unless—

"(1) the President satisfies the requirements of subsection (c); or

"(2) the Congress enacts an Act or joint resolution specifically authorizing such subordination.

"(c)(1) The requirements referred to in subsection (b)(1) are that the President submit to the appropriate congressional committees (at the time specified in paragraph (2) of this subsection) the following documents:

"(A) A determination by the President that—

"(i) the proposed subordination of United States Armed Forces to foreign command is in the national security interest of the United States;

"(ii) the unit commanders of the United States Armed Forces proposed for subordination to the command of foreign nationals will at all times retain the ability to report independently to higher United States military authorities;

"(iii) the United States will retain authority to withdraw the United States Armed Forces from the United Nations peacekeeping activity at any time and to take action it considers necessary to protect those forces if they are endangered; and

"(iv) the United States Armed Forces subordinated to the command of foreign nationals will at all times remain under United States administrative command for such purposes as discipline and evaluation.

"(B) The justification for the determination made pursuant to subparagraph (A)(i).

"(C) A memorandum of legal points and authorities explaining why the proposed foreign command arrangement does not violate the Constitution.

"(2) The documents described in paragraph (1) shall be submitted to the appropriate congressional committees not less than 15 days before any element of the United States Armed Forces is subordinated to the command and control of a foreign national, except that if the President determines that an emergency exists which prevents compliance with the requirement that notice be provided 15 days in advance, those documents shall be submitted in a timely manner but no later than 48 hours after such subordination.

"(d) Except as authorized in section 7 of this Act, nothing contained in this Act shall be construed as an authorization to the President by the Congress to make available to the Security Council United States Armed Forces, facilities, or assistance.".

SEC. 7. REDUCTION OF UNITED NATION ASSESSMENTS TO THE UNITED STATES FOR PEACEKEEPING OPERATIONS, CREDIT FOR UNITED STATES DEPARTMENT OF DEFENSE EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS, AND REFORM OF THE UNITED NATIONS PARTICIPATION ACT OF 1945.

(a) CREDIT AGAINST ASSESSMENT FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the appropriate committees of Congress a report on the total amount of funds appropriated for national defense purposes for any fiscal year after fiscal year 1994 that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a breakdown by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

(2) LIMITATION.—In each fiscal year beginning with fiscal year 1996, funds may be obligated or expended for payment to the United Nations of the United States assessed share of peacekeeping operations for that fiscal year only to the extent that such assessed share exceeds the total amount identified in the report submitted pursuant to subsection (a) for the preceding fiscal year, reduced by the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that fiscal year.

(3) DEFINITIONS.—As used in this subsection:

(A) The term "United Nations peacekeeping activities" means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the United Nations Charter.

(B) The term "appropriate committees of Congress" means—

(i) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(ii) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

(b) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by striking the second sentence;

(2) by inserting "(a)" before "The President"; and

(3) by adding at the end the following:

"(b)(1) Except as provided in paragraph (2), at least 15 days before any vote in the Security Council to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any

previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the appropriate congressional committees a notification with respect to the proposed action. The notification shall include the following:

"(A) A description of any anticipated involvement of United States Armed Forces.

"(B) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

"(C) The mission and objectives of United States Armed Forces that would participate in such action.

"(D) The duration and estimated termination date of the action.

"(E) The source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a budget amendment, or a supplemental budget request).

"(2) If the President determines that an emergency exists which prevents submission of the 15-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.".

(c) TRANSMITTAL TO CONGRESS OF UNITED NATIONS RESOLUTIONS AND REPORTS.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by subsection (b), is further amended by adding at the end the following:

"(e)(1) Not later than 24 hours after adoption by the Security Council of a resolution authorizing United Nations peacekeeping activities or any other action under the Charter of the United Nations (including any extension, modification, suspension, or termination of any previously authorized United Nations peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the Permanent Representative shall transmit the text of such resolution and any supporting documentation to the appropriate congressional committees.

"(2) The Permanent Representative shall promptly transmit to the appropriate congressional committees any report prepared by the United Nations containing an assessment of any proposed, ongoing, or concluded United Nations peacekeeping activity.".

(d) NOTICE TO CONGRESS REGARDING CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations

Participation Act of 1945 (22 U.S.C. 287b), as amended by subsections (b) and (c), is further amended by adding at the end the following:

"(d)(1) Not later than 15 days after the United Nations submits a billing requesting a payment by the United States of any contribution for United Nations peacekeeping activities, the President shall so notify the appropriate congressional committees.

"(2) The President shall notify the appropriate congressional committees at least 15 days before the United States obligates funds for any assessed or voluntary contribution for United Nations peacekeeping activities, except that if the President determines that an emergency exists which prevents compliance with the requirement that such notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such obligation.".

(e) NOTICE TO CONGRESS REGARDING UNITED STATES ASSISTANCE FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d–1) is amended—

(1) in subsection (a), by inserting "other than subsection (e)(1)" after "any other law"; and

(2) by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraph (2), at least 15 days before any agency or entity of the United States Government makes available to the United Nations any assistance or facility to support or facilitate United Nations peacekeeping activities, the President shall so notify the appropriate congressional committees.

"(2) If the President determines that an emergency exists which prevents compliance with the requirement that notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after the assistance or facility is made available to the United Nations.

"(3) For purposes of this subsection, the term 'assistance'—

"(A) means assistance of any kind, including logistical support, supplies, goods, or services (including command, control, communications or intelligence assistance and training), and the grant of rights of passage; and

"(B) includes assistance provided through in-kind contributions or through the provision of support, supplies, goods, or services on any terms, including on a grant, lease, loan, or reimbursable basis; but

"(C) does not include the payment of assessed or voluntary contributions.".

(f) UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by subsections (b), (c), and (d), is further amended by adding at the end the following:

"(e)(1) The President shall, at the time of submission of his annual budget to Congress, submit a report to the Congress on the anticipated budget for the fiscal year for United States participation in United Nations peacekeeping activities.

"(2) The report required by paragraph (1) shall state—

"(A) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

"(B) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.

"(3) The President shall include in the budget submission for fiscal year 1996 a projection of all United States costs for United Nations peacekeeping activities during each of fiscal years 1996, 1997, and 1998, including costs of in-kind contributions and assessed and voluntary contributions.".

(g) ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b), as amended by subsections (b), (c), (d), and (f), is further amended by adding at the end the following:

"(f)(1) Not later than 90 days after the date of the enactment of this subsection and each year thereafter at the time of the President's budget submission to Congress, the Secretary of State, after consultation with the heads of other relevant Federal agencies (including the Secretary of Defense), shall submit to the appropriate congressional committees a report on United States contributions to United Nations peacekeeping activities.

"(2) Each such report shall include the following information:

"(A) The number and nature of ongoing United Nations peacekeeping activities.

"(B) The priority accorded to each ongoing United Nations peacekeeping activity, and the anticipated duration of each such activity.

"(C) An assessment of the effectiveness of each ongoing United Nations peacekeeping activity, its relationship to United States national security interests, and the efforts by the United Nations to resolve the

relevant armed conflicts; and the projected termination dates for each such activity.

"(D) The total costs of each United Nations peacekeeping activity, both ongoing and concluded, and the total cost of all such activities.

"(E) The amount of United States assessed and voluntary contributions to each such activity, and the total of such contributions to all such activities.

"(F) The incremental costs incurred by the Department of Defense for each such activity, and for all such activities.

"(G) Any other assistance made available by the United States for United Nations peacekeeping activities, specifying which assistance was provided on a reimbursable basis and which was provided on a nonreimbursable basis or on concessional terms.

"(H) An assessment of the United Nations management and support for United Nations peacekeeping activities, including all recommendations for improvement made by the United States and any action to implement such recommendations by the United Nations.

"(I) A detailed description (including dollar amounts expended and credited) of efforts by the United States Government to seek and receive credit toward the United States assessment for United Nations peacekeeping activities for all United States assistance provided in support of United Nations peacekeeping objectives.

"(3) The first report submitted pursuant to this subsection shall include information with respect to costs and contributions for all United Nations peacekeeping activities since October 1945. Subsequent reports shall include such information for the immediately preceding fiscal year and (to the extent such information is available) for the then current fiscal year.".

(h) REIMBURSEMENT TO THE UNITED STATES FOR IN-KIND CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.—Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d–1), as amended by subsection (e), is further amended—

(1) in subsection (b)—

(A) by striking all that follows ": *Provided,*" through "*Provided further,*";

(B) by adding at the end the following: "The Secretary of Defense may waive the requirement for such reimbursement if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver of that requirement. Any such waiver shall be submitted to the appropriate congressional committees at least 15 days before it takes effect, ex-

cept that if the President determines that an emergency exists which prevents compliance with the requirement that the notification be provided 15 days in advance and that the provision under subsection (a)(1) or (a)(2) of personnel or assistance on a nonreimbursable basis is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such waiver takes effect."; and

(2) by adding at the end the following new subsections:

"(f) In any fiscal year (beginning in fiscal year 1995), appropriated funds may not be used to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities until the Secretary of Defense certifies to the Congress that the United Nations has reimbursed the Department of Defense directly for all goods and services that were provided to the United Nations by the Department of Defense on a reimbursable basis during the preceding fiscal year for United Nations peacekeeping activities, including personnel and assistance provided under this section (except to the extent that the authority of subsection (b) to waive the reimbursement requirement was exercised with respect to such personnel or assistance).

"(g)(1) The Secretary of State shall ensure that goods and services provided on a reimbursable basis by the Department of Defense to the United Nations for United Nations peacekeeping operations are reimbursed at the appropriate value, as determined by the Department of Defense.

"(2) Not later than one year after the date of the enactment of this subsection, the Permanent Representative shall submit a report to the appropriate congressional committees on all actions taken by the United States mission to the United Nations to achieve the objective described in paragraph (1).".

(i) LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.—Beginning October 1, 1995, funds made available to the Department of Defense (including funds for "Operation and Maintenance") shall be available for—

(1) United States assessed or voluntary contributions for United Nations peacekeeping activities, or

(2) the incremental costs associated with the participation of United States Armed Forces in United Nations peacekeeping activities,

only to the extent that the Congress has by law specifically made those funds available for such purposes.

(j) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.—

(1) REASSESSMENT OF CONTRIBUTION PERCENTAGES.—The Permanent Representative should make every effort to ensure that the United Nations completes an overall review and reassessment of each nation's assessed contributions for United Nations peacekeeping activities. As part of the overall review and assessment, the Permanent Representative should make every effort to advance the concept that host governments and other governments in the region where a United Nations peacekeeping activity is carried out should bear a greater burden of its financial cost.

(2) UNITED STATES CONTRIBUTIONS.—(A) The Permanent Representative should make every effort to obtain agreement by the United Nations to a United States assessed contribution for United Nations peacekeeping activities that is no greater a percentage of such contributions by all countries than the United States percentage share of assessed contributions for other United Nations activities.

(B) The Congress declares that, effective for fiscal year 1996, it does not intend to make available funds for payment of United States assessed or voluntary contributions for United Nations peacekeeping activities that exceed 25 percent of the total amount of the assessed and voluntary contributions of all countries for such activities unless, after the date of the enactment of this Act, the Congress enacts a statute specifically authorizing a greater percentage contribution.

(C) The Permanent Representative shall inform the Secretary General of the congressional intent expressed in subparagraph (B).

(k) "BUY AMERICA" REQUIREMENT.—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the appropriate congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

(l) UNITED STATES PERSONNEL TAKEN PRISONER WHILE SERVING IN MULTILATERAL PEACEKEEPING FORCES.—

(1) FINDINGS.—The Congress finds as follows:

(A) Until recent years United States military personnel rarely served as part of multilateral forces under the United Nations or regional international organizations.

(B) Despite infrequent service as part of multilateral forces, United States personnel, such as Colonel William Higgins in Lebanon, have been captured, tortured, and murdered.

(C) In recent years, United States military personnel have served much more frequently as part of multilateral forces.

(D) The capture and torture of Chief Warrant Officer Michael Durant in Somalia in October 1993 was a horrendous and recent example of the risk to United States personnel in multilateral forces.

(E) Continued multilateral service increases the probability that United States military personnel will be captured and subject to mistreatment.

(F) United States military personnel captured while serving as part of multilateral forces have not been treated as prisoners of war under the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war.

(G) Failure of United States military personnel serving as part of a multilateral force to receive protection under international law increases the risk to personnel while serving in multinational forces.

(2) POLICY.—It is the sense of the Congress that—

(A) the President should take immediate steps, unilaterally and in appropriate international bodies, to assure that any United States military personnel serving as part of a multilateral force who are captured are accorded the protection accorded to prisoners of war; and

(B) the President should also take all necessary steps to bring to justice all individuals responsible for any mistreatment, torture, or death of United States military personnel who are captured while serving in a multilateral force.

(3) REPORT.—Each report submitted pursuant to section 4(f) of the United Nations Participation Act of 1945 (as added by subsection (g)), shall include a separate section setting forth—

(A) the status under international law of members of multilateral peacekeeping forces, including the legal status of such personnel if captured, missing, or detained;

(B) the extent of the risk for United States military personnel who are captured while participating in multinational peacekeeping forces in cases where their captors fail to respect the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

(C) the specific steps that have been taken to protect United States military personnel participating in multinational peacekeep-

ing forces, together (if necessary) with any recommendations for the enactment of legislation to achieve that objective.

(m) PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.—

(1) REQUIREMENT FOR AGREEMENTS.—The United States may provide intelligence to the United Nations only pursuant to a written agreement between the President and the Secretary General of the United Nations specifying—

(A) the types of intelligence to be provided to the United Nations;

(B) the circumstances under which intelligence may be provided to the United Nations; and

(C) the procedures to be observed by the United Nations—

(i) concerning who shall have access to the intelligence provided; and

(ii) to protect the intelligence against disclosure not authorized by the agreement.

Any such agreement shall be effective for a period not to exceed one year from the date on which the agreement enters into force.

(2) ADVANCE NOTIFICATION TO CONGRESS.—An agreement described in paragraph (1) shall be effective only if the President has transmitted the agreement to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not less than 30 days in advance of the entry into force of the agreement.

(3) DELEGATION OF AUTHORITY.—The President may delegate the authority and assign the duties of the President under this section only to the Secretary of Defense or the Director of Central Intelligence.

(4) EXCEPTIONS.—Paragraph (1) shall not apply to the provision of intelligence—

(A) only to and for the use of United States Government personnel serving with the United Nations; or

(B) essential for the protection of nationals of the United States, including members of the United States Armed Forces and civilian personnel of the United States Government.

(5) EXISTING LAW.—Nothing in this subsection shall be construed to—

(A) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

(B) supersede or otherwise affect the provisions of—

(i) title V of the National Security Act of 1947 (50 U.S.C. 413–415); or

(ii) section 112b of title 1, United States Code.

(6) EFFECTIVE DATE.—This subsection takes effect 60 days after the date of the enactment of this subsection.

(n) UNITED NATIONS PEACEKEEPING BUDGETARY AND MANAGEMENT REFORM.—

(1) WITHHOLDING OF CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—(A) At the beginning of each fiscal year (beginning with fiscal year 1996), 50 percent of the amounts of funds made available for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification has been made under paragraph (2).

(B) For each fiscal year (beginning with fiscal year 1996), the United States may not pay any voluntary contribution for international peacekeeping activities unless a certification has been made under paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the President to Congress that—

(A) the United Nations has established an independent and objective Office of Inspector General to conduct and supervise audits, inspections, and investigations relating to the United Nations peacekeeping activities carried out by the United Nations;

(B) the Secretary General of the United Nations has appointed an Inspector General, with the consent of the General Assembly, solely the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(C) the United Nations Office of Inspector General is authorized to—

(i) make investigations and reports relating to the administration of the United Nations peacekeeping activities carried out by the United Nations;

(ii) have access to all records and documents or other material available which relate to those activities; and

(iii) have direct and prompt access to relevant officials of the United Nations, including any official of the United Nations Secretariat;

(D) the United Nations Office of Inspector General is keeping the Secretary General and the members of the Security Council

fully informed about problems, deficiencies, and the necessity for, and progress of, corrective action;

(E) the United Nations has established measures to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Office of the Inspector General; and

(F) the United Nations has enacted procedures to ensure compliance with Inspector General recommendations.

SEC. 8. RESTORATION OF BUDGET FIREWALLS FOR DEFENSE SPENDING.

It is the sense of Congress that, when the annual long-term and accurate funding needs for the Department of Defense are determined by the Commission on National Security and Department of Defense Force Structure and Readiness Funding Shortfalls pursuant to section 4(d), the Congress should immediately enact legislation to establish through fiscal year 1999 so-called "budget firewalls" between defense and domestic discretionary spending.

SEC. 9. UNITED STATES POLICY WITH RESPECT TO THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) SHORT TITLE.—This section may be cited as the "NATO Revitalization and Expansion Act of 1995".

(b) FINDINGS.—The Congress makes the following findings:

(1) For over 40 years, the North Atlantic Treaty Organization has helped guarantee the security, freedom, and prosperity of the United States and our partners in the alliance.

(2) The North Atlantic Treaty Organization has expanded its membership on 3 different occasions since its founding in 1949.

(3) The steadfast and sustained commitment of the member countries of the North Atlantic Treaty Organization to mutual defense against the threat of Communist domination played a significant role in precipitating the collapse of the Iron Curtain and the demise of the Soviet Union.

(4) In the place of that threat, new security threats are emerging to the shared interests of the member countries of the North Atlantic Treaty Organization.

(5) Although these new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and our North Atlantic Treaty Organization allies.

(6) Western interests must be protected on a cooperative basis without an undue burden falling upon the United States.

(7) The North Atlantic Treaty Organization is the only multilateral organization that is capable of conducting effective military operations to protect Western interests.

(8) The valuable experience gained from ongoing military cooperation within the North Atlantic Treaty Organization was critical to the success of joint military operations in the 1991 liberation of Kuwait.

(9) The North Atlantic Treaty Organization is an important diplomatic forum for discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(10) Admission of Central and East European countries that have recently been freed from Communist domination to the North Atlantic Treaty Organization could contribute to international peace and enhance the security of those countries.

(11) A number of countries, including the Visegrad countries (the Czech Republic, Hungary, Poland, and Slovakia) and the Baltic states (Estonia, Latvia, and Lithuania), and Ukraine, have expressed interest in North Atlantic Treaty Organization membership.

(12) In recognition of this interest, the "Partnership for Peace" proposal offers limited military cooperation to many European countries not currently members of the North Atlantic Treaty Organization, but fails to establish benchmarks or guidelines for eventual North Atlantic Treaty Organization membership.

(13) In particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, and the rule of law since the fall of their previous Communist governments.

(c) UNITED STATES POLICY.—It should be the policy of the United States—

(1) to continue our commitment to and active leadership role in the North Atlantic Treaty Organization;

(2) to join with our North Atlantic Treaty Organization allies to redefine the role of the alliance in the post-Cold War world, taking into account—

(A) the fundamentally changed security environment of Central and Eastern Europe,

(B) the need to assure all countries of the defensive nature of the alliance and the desire of its members to work cooperatively with all former adversaries,

(C) the emerging security threats posed by the proliferation of nuclear, chemical, and biological weapons of mass destruction and the means to deliver them,

(D) the continuing challenges to the interests of all North Atlantic Treaty Organization member countries posed by unstable and undemocratic regimes harboring hostile intentions, and

(E) the dependence of the global economy on a stable energy supply and the free flow of commerce;

(3) to affirm that North Atlantic Treaty Organization military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests;

(4) that Poland, Hungary, the Czech Republic, and Slovakia should be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area not later than January 10, 1999, 5 years from the date of the establishment of the Partnership for Peace, and, in accordance with Article 10 of such Treaty, should be invited to become full NATO members not later than that date, provided these countries—

(A) meet appropriate standards, including—

(i) shared values and interests,

(ii) democratic governments,

(iii) free market economies,

(iv) civilian control of the military,

(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and

(vi) commitment to further the principles of the North Atlantic Treaty Organization and to contribute to the security of the North Atlantic area; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(5) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of Poland, Hungary, the Czech Republic, and Slovakia to full NATO membership not later than January 10, 1999; and

(6) that other European countries, in particular the Baltic states (Estonia, Latvia, and Lithuania), and Ukraine, emerging from communist domination may be in a position at a future date to further the principles of the North Atlantic Treaty and to contribute to the secu-

rity of the North Atlantic area, and at the appropriate time they should receive assistance to facilitate their transition to full NATO membership and should be invited to become full NATO members.

(d) AUTHORITY FOR PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.—

(1) IN GENERAL.—The President may establish a program to assist the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other European countries emerging from communist domination designated by the President pursuant to paragraph (5).

(2) CONDUCT OF PROGRAM.—The program established under paragraph (1) shall facilitate the transition to full NATO membership of the countries described in such subsection by supporting and encouraging, inter alia—

(A) joint planning, training, and military exercises with NATO forces;

(B) greater interoperability of military equipment, air defense systems, and command, control, and communications systems; and

(C) conformity of military doctrine.

(3) TYPE OF ASSISTANCE.—In carrying out the program established under paragraph (1), the President may provide to the countries described in such subsection the following types of security assistance:

(A) The transfer of excess defense articles under section 516 of Foreign Assistance Act of 1961, without regard to the restrictions in paragraphs (1) through (3) of subsection (a) of such section (relating to the eligibility of countries for such articles under such section).

(B) The transfer of nonlethal excess defense articles under section 519 of the Foreign Assistance Act of 1961, without regard to the restriction in subsection (a) of such section (relating to the justification of the foreign military financing program for the fiscal year in which a transfer is authorized).

(C) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

(D) Assistance under chapter 5 of part II of that Act (relating to international military education and training).

(E) Assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(4) ADDITIONAL ASSISTANCE.—In addition to the security assistance provided under paragraph (3), the President may, in carrying out the program established under paragraph (1), provide assistance from

funds appropriated after the date of the enactment of this Act under the following accounts:

(A) The "Nonproliferation and Disarmament Fund" account.

(B) The "Countries in Transition" account.

(5) DESIGNATION OF OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate other European countries emerging from communist domination to receive assistance under the program established under paragraph (1) if the President determines and reports to the appropriate congressional committees that such countries—

(A) have made significant progress toward establishing—

(i) shared values and interests.

(ii) democratic governments.

(iii) free market economies.

(iv) civilian control of the military.

(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and

(vi) commitment to further the principles of the North Atlantic Treaty Organization and to contribute to the security of the North Atlantic area; and

(B) are likely, within 5 years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

(e) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, and at least once every year thereafter, the President shall submit to the appropriate congressional committees a report on the implementation of this section.

(2) CONTENTS.—Each such report shall include—

(A) an assessment of the progress made by Poland, Hungary, the Czech Republic, Slovakia, and other European countries emerging from communist domination designated by the President pursuant to section subsection (d)(5) toward meeting the standards for NATO membership set forth in Article 10 of the North Atlantic Treaty, including—

(i) an assessment of the progress of such countries toward establishing—

(I) shared values and interests,

(II) democratic governments,

(III) free market economies.

(IV) civilian control of the military,

(V) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and

(VI) commitment to further the principles of the North Atlantic Treaty Organization and to contribute to the security of the North Atlantic area; and

(ii) the commitment of such countries to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(B) a description of all assistance provided under the program established under section 4, or otherwise provided by the United States Government to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other European countries emerging from communist domination designated by the President pursuant to subsection (d)(5); and

(C) a description of all assistance provided by other NATO member nations or NATO itself to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other European countries emerging from communist domination designated by the President pursuant to subsection (d)(5).

(f) DEFINITIONS.—

For purposes of this section, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(3) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term "other European countries emerging from communist domination" means—

(A) any member of the Conference on Security and Cooperation in Europe located—

(i) in the territory of the former Union of Soviet Socialist Republics; or

(ii) in the territory of the former Socialist Federal Republic of Yugoslavia; or

(B) Estonia, Latvia, Lithuania, Romania, Bulgaria, or Albania.

Chairman GILMAN. Mr. Hastings is recognized for 5 minutes.

Mr. HASTINGS. I thank the Chair.

Mr. Chairman, on September 27, 1994, the Republican Members of Congress and Republican candidates signed the Contract With America, promising to implement several initiatives if elected to a majority in the House of Representatives for the 104th Congress, which came to pass.

Since then, my colleagues on the other side of the aisle have backed off their promises to such an extent that their commitment to the original Contract and their so-called mandate by the American people to enact related legislation should and, by me, is placed in question.

Mr. Chairman, I have never professed to be a supporter of the Contract With America, and I spoke on it at midnight last night. Nor have I said I support the version of H.R. 7 that we have been marking up since last week and finishing up today. My constituents know my position. I have not misled them.

I feel, however, that it would be misleading to the American people to say that we are voting on the Contract With America when, in fact, what we are voting on here today is actually quite different from the original Contract language.

And I would that I had the time, Mr. Chairman, to point out just one provision that has changed, dealing with multinational forces on three different occasions beginning with September 27. January 4, 1995, it went from U.N. forces in which fewer than 50 members of the Armed Services are participating and the participation of U.S. forces in the ongoing United Nations protection force in Macedonia to include, at the end, participation of U.S. forces in the ongoing United Nations protection force in Croatia.

If we pass H.R. 7 from this committee and say that we voted on the Contract With America, that would be misleading. Therefore, I offer this amendment today which would substitute the original Contract With America language in its entirety for H.R. 7.

I am not afraid to vote against the Contract With America or even H.R. 7 in its current form, but I am unwilling to say I voted either for or against the Contract when I am, in fact, voting for or against something quite different.

Those of you who signed the Contract With America should be pleased to support this substitute since it is actually the Contract With America. And this morning we have heard from two distinguished members of this committee: Mr. Roth, his quote, either we follow the Contract With America or we do not. He said that at 10 o'clock this morning. Mr. Goodling at 10:29 said, I happen to believe in the Contract. I am a fervent advocate of it. Prove it.

Mr. BEREUTER. Mr. Chairman.

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. Mr. Chairman, I speak against the substitute offered by the gentleman from Florida, Mr. Hastings. I am sorry he is so locked into the Contract With America that he is offering it at this time.

What the gentleman from Texas, the Majority Leader, said to the Republicans before we began this markup, I hope that you will protect and support the basic principles or tenets of the Contract With

America, but I certainly want you to use your judgment and to try to improve it in the legislative process.

Now, that was an explicit direction to members on this side of the aisle, but I would have appreciated hearing it much earlier. But in no case did this member, or most members, I believe, think that we were to put our legislative responsibilities in some sort of a locked box and march in lockstep. And, in fact, what has happened with the Contract With America is that members have their particular orientations and pet projects and somehow they soon become seen as part of the Contract With America.

The Contract With America provisions with respect to this particular national security area are rather general and relatively few in number. And the details that have been fleshed out in the Contract With America legislation, H.R. 7—the so-called Contract With America legislation—go far beyond what members endorsed. And, of course, our endorsement was that we would bring the Contract With America, the key provisions we signed, to the House floor for an up or down recorded vote under some kind of open process. And, of course, the press and others gradually tried to convey the view that these members are committed by signing the Contract With America to voting for it.

No, we are not. We are committed to bringing it to the House floor so that these particular elements designated originally which have been so long delayed and kept from open debate on the House floor are, in fact, given their day in court.

Now, I don't know that there is any one person that supports the gentleman's amendment, and I would be surprised if the gentleman votes for it, but I hope he is not locked into it. We have had a legislative process here that I think has improved the product in all respects, perhaps with the exception of the gentleman's amendment from California, Mr. Berman. Or this gentleman would say that was a step in the wrong direction. But it was a debate on constitutional principles that I think did credit to this committee, and at this moment we stand in marked disagreement on that element.

But, overall, I think the legislative process that has been conducted here in the committee has contributed to a better legislative product. So I would urge the substitute offered by the gentleman from Florida, Mr. Hastings, facetiously, I assume, should be rejected unanimously.

Chairman GILMAN. Are there any other members seeking recognition?

Mr. ROTH. Mr. Chairman.

Chairman GILMAN. Mr. Roth.

Mr. ROTH. Mr. Chairman, briefly, I would say if we could get a blood oath from Mr. Hastings and others they would vote for the Contract on the floor we would be happy to vote for the substitute. But I think Mr. Hastings is a little too transparent and a little too disingenuous. The gentleman's amendment incorporating the original language of H.R. 7 would have us discard all the amendments.

For example, it does not include the amendments on intelligence sharing with the U.N., which I supported along with the ranking member, Mr. Hamilton, and the gentleman from New Jersey, Mr. Torricelli.

I would remind my colleagues that the intelligence sharing provision currently in the bill was carefully crafted in close consultation with the House Intelligence Committee. The bill, as currently written, incorporates several other legislative refinements suggested by Mr. Wynn on how countries should be selected in NATO, and by Mr. Faleomavaega on the broadening of the overall focus of the bill to include regional security concerns in the countries of the Pacific Rim. Will we discard all these provisions? I don't think that would be wise.

I would also point out the original text of the bill was drafted prior to the enactment of the NATO Expansion Act at the conclusion of the last Congress. We have incorporated several modifications in this text based on the act, which enjoyed broad bipartisan support as exhibited by the voice vote for the Torricelli Amendment earlier.

There is, in short, no reason to turn back the clock on the NATO peacekeeping or the peacekeeping provisions in this bill, especially as they reflect the will of Congress in broad bipartisan agreement.

I would urge my colleagues to oppose this substitute amendment. It flies in the face of the modifications we have made in this legislation, and from members on both sides of the aisle and from the administration. Let us take this bill to the next step in the legislative process where, I am sure the gentleman from Florida would agree, we will have an opportunity to make additional changes and refinements in this bill.

Thank you, Mr. Chairman.

Chairman GILMAN. I thank the gentleman for his remarks.

Let me remind my colleagues that we are near the end of the consideration of this measure. If you would just be patient we should be able to wind up in a very brief time.

Mr. Brownback is recognized for 5 minutes, and I ask you to keep your remarks as brief as possible.

Mr. BROWNBACK. They will not be 5 minutes, Mr. Chairman. I am a new member of this committee, a new Member to Congress. It seems to me we have had a constructive process as we have gone along here with the base and the fundamental thrust of the bill we have put forward. I think it has been constructive except at those times when it has been maybe more aimed at delay than at construction. And why we would throw that away at this point, I do not understand. So I would urge people to vote against this substitute amendment.

Mr. HASTINGS. Mr. Chairman.

Chairman GILMAN. If the gentleman——

Mr. ROTH. Vote.

Chairman GILMAN. If there are no further——

Mr. ACKERMAN. Mr. Chairman——

Mr. HASTINGS. Do I have the right to close, Mr. Chairman? Parliamentary point of order: Do I have the right to close, Mr. Chairman?

Chairman GILMAN. The gentleman has the right to close.

Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman.

I would like to echo most of the sentiments of most of my colleagues who have spoken at this point concerning Mr. Hastings'

amendment, with one notable exception, and that goes to the part of the tenor to have the debate that has taken place from time to time during our consideration over the past several days. I don't think the gentleman meant to say that the maker of this amendment was disingenuous in offering the amendment. He probably meant to say that he was curious or something similar to that.

I think that this amendment in the nature of a substitute is very, very important, even though we know where the votes are going to be and that you are going to agree with us in overwhelming numbers that this document, the original Contract With America, is less than helpful and will be voting it down.

I also want to say that the process that we have gone through has been constructive and that those of us on this side have tried to be constructive. And where we have raised objections and concerns and done things that some on the other side have considered as frivolous or dilatory or delaying tactics has basically been made to make the point that we would like to have our voice heard. And those contentious moments that we have had were only during those instances where debate was attempted to be stifled.

When the debate is on the issues and the merits, we move along quite quickly, Mr. Chairman. I think that everybody has noticed and recognized that throughout this discussion.

The point here that I believe that Mr. Hastings is trying to make with this amendment substituting the original language is basically to show that common sense should prevail, that the original language of the Contract or anybody's concept of what the Contract is, is not sacred. It is not sacrosanct. It is not written in stone. It is something for us to consider. And there are some points in there that many of us will give very serious consideration to.

But, please, when we offer amendments or comments or suggestions, do not tell us pedantically as if from on high that you cannot do that. That is not the original Contract. When certainly when amendments are offered by the Majority to change the Contract they are offered in the nature of being commonsensical approaches to make things better and more reasonable. We can agree with that. But do not cast doubts or aspersions on the motivation of members on this side simply because we are on this side.

I think with that understanding this process will go along a lot more smoothly and work much better for the American people.

Thank you, Mr. Chairman.

Mr. HASTINGS. Mr. Chairman.

Chairman GILMAN. Gentleman's time has expired by unanimous consent. We will allow Mr. Hastings to make the final remarks and then move on to passage of the substitute.

Mr. HASTINGS. I thank you so much, Mr. Chairman. And I, too, thank the Chair for presiding in this process in the manner in which you have.

And I do not take lightly my colleagues, Mr. Bereuter's or Mr. Roth's, statements. I think both of them are among the more careful legislators that I have seen function on this particular committee in the short time that I have been here.

I also hearken to point out that at no time in my limited tenure have I seen debate cutoff. And my intent, among other things, is to point out how the process has been flawed, in spite of the gener-

ous notions of the members on the other side of the aisle. As would be expected, they would argue that it is fair.

What is problematical is that we have rushed to judgment regarding singularly the most fundamental bipartisan undertaking that individuals involved as legislators in this great body have to do, and that is in the arena of foreign policy. This is the earliest time—and I have checked with members who have been here a considerable period of time—other than in times of war that we have produced such a matter.

Now, we produced this bill because of an arbitrary time limit that was established by my colleagues in something called the National Security Restoration and Revitalization Act. You set the time limits. The Democrats did not. My constituents did not.

And to confuse foreign policy, as this matter is likely to do, requires us to at least have you on record saying that you recognize that you made mistakes when you went to the American public. And you are not going to put me in a position of not being able to say to my constituents that you misled them and I told you that they would mislead them.

Now, is this disingenuous? Then I suggest to you what is disingenuous is offering something that is going to impact foreign policy, impact the constitutionality of the President's prerogatives, be he or she Democrat or Republican, and impact every aspect of this country's undertakings in the United Nations. And if that is transparent then so be it.

I yield back.

Chairman GILMAN. The gentleman's time has expired.

The question is on the amendment. So many as are in favor, say aye.

So many opposed, say no.

The noes appear to have it.

Mr. HASTINGS. Mr. Chairman, I ask for a recorded vote.

Chairman GILMAN. Is there a sufficient second?

Ms. MCKINNEY. Second.

Chairman GILMAN. There is not a sufficient second. The amendment is defeated.

Ms. MCKINNEY. We did second, Mr. Chairman.

Mr. BERMAN. I second it.

Mr. WYNN. Mr. Chairman, I second.

Ms. MCKINNEY. Mr. Chairman, I seconded the motion.

Mr. ROTH. Too late. The chairman has ruled.

Chairman GILMAN. All right, there is sufficient for a roll call vote. Roll call vote is ordered. Chief of Staff will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. No.

Mr. GARON. Mr. Gilman votes no.

Mr. Goodling.

Mr. GOODLING. No.

Mr. GARON. Mr. Goodling votes no.

Mr. Leach.

[No response.]

Mr. Roth.

Mr. ROTH. No.

Mr. GARON. Mr. Roth votes no.

Mr. Hyde.
[No response.]
Mr. GARON. Mr. Bereuter.
Mr. BEREUTER. No.
Mr. GARON. Mr. Bereuter votes no.
Mr. Smith.
[No response.]
Mr. GARON. Mr. Burton.
[No response.]
Mr. GARON. Mrs. Meyers.
Mrs. MEYERS. No.
Mr. GARON. Mrs. Meyers votes no.
Mr. Gallegly.
Mr. GALLEGLY. No.
Mr. GARON. Mr. Gallegly votes no.
Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. No.
Mr. GARON. Ms. Ros-Lehtinen votes no.
Mr. Ballenger.
Mr. BALLENGER. No.
Mr. GARON. Mr. Ballenger votes no.
Mr. Rohrabacher.
Mr. ROHRABACHER. No.
Mr. GARON. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. Double no.
Mr. WYNN. Against the Contract?
Mr. GARON. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King votes no.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.
Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. Nay.
Mr. GARON. Mr. Salmon votes no.
Mr. Houghton.
Mr. HOUGHTON. No.

Mr. GARON. Mr. Houghton votes no.
Mr. Hamilton.
Mr. HAMILTON. No.
Mr. GARON. Mr. Hamilton votes no.
Mr. Gejdenson.
Mr. GEJDENSON. No.
Mr. GARON. Mr. Gejdenson votes no.
Mr. Lantos.
[No response.]
Mr. GARON. Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
Mr. BERMAN. No.
Mr. GARON. Mr. Berman votes no.
Mr. Ackerman.
[No response.]
Mr. GARON. Mr. Johnston.
Mr. JOHNSTON. No.
Mr. GARON. Mr. Johnston votes no.
Mr. Engel.
Mr. ENGEL. No.
Mr. GARON. Mr. Engel votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Mr. GARON. Mr. Faleomavaega votes no.
Mr. Martinez.
Mr. MARTINEZ. No.
Mr. GARON. Mr. Martinez votes no.
Mr. Payne.
Mr. PAYNE. No.
Mr. GARON. Mr. Payne votes no.
Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
Mr. MENENDEZ. No.
Mr. GARON. Mr. Menendez votes no.
Mr. Brown.
Mr. BROWN. No.
Mr. GARON. Mr. Brown votes no.
Ms. McKinney.
Ms. MCKINNEY. No.
Mr. GARON. Ms. McKinney votes no.
Mr. Hastings.
Mr. HASTINGS. Continuing my disingenuousness, I vote present.
Mr. GARON. Mr. Hastings votes present.
Mr. Wynn.
Mr. WYNN. No.
Mr. GARON. Mr. Wynn votes no.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
Mr. MORAN. No.

Mr. GARON. Mr. Moran votes no.
Mr. Frazer.
Mr. FRAZER. No.
Mr. GARON. Mr. Frazer votes no.
Chairman GILMAN. Chief of Staff will call any absentees.
Mr. GARON. Mr. Lantos.
Mr. LANTOS. No.
Mr. GARON. Mr. Lantos votes no.
Mr. Hyde.
Mr. HYDE. No.
Mr. GARON. Mr. Hyde votes no.
Mr. Smith.
Mr. SMITH. No.
Mr. GARON. Mr. Smith votes no.
Mr. Burton.
Mr. BURTON. No.
Mr. GARON. Mr. Burton votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Mr. GARON. Mr. Ackerman votes no.
Mr. Torricelli——
[No response.]
Chairman GILMAN. Are there any Members who have not been recorded? Chief of Staff will read the tally.
Mr. GARON. On this vote the ayes are zero, the noes are 40, one present.
Chairman GILMAN. The amendment is not agreed to.
Mr. Goodling.
Mr. GOODLING. Mr. Chairman, I move to reconsider the vote by which the Berman Amendment adding Section 508A was agreed to.
Mr. BERMAN. Point of parliamentary inquiry, Mr. Chairman.
Chairman GILMAN. Mr. Roth.
Mr. ROTH. Mr. Chairman, I ask unanimous consent that the motion be considered immediately.
Mr. BERMAN. Reserving the right to object.
Chairman GILMAN. Would the gentleman state his reservation?
Mr. BERMAN. Yes. We have closed off each individual section of this bill. You are now seeking to go back and reconsider the vote on a section that has already been passed and closed off?
Chairman GILMAN. The Chair rules that the motion is in order. Request has been made on the request on the reconsideration.
Mr. ACKERMAN. Parliamentary inquiry, Mr. Chairman.
Chairman GILMAN. The gentleman will state his parliamentary inquiry.
Mr. ACKERMAN. How often can it be revisited once a section is closed, other than by unanimous consent?
Chairman GILMAN. We are not revisiting. We are considering a reconsideration motion on a vote by the gentleman who wants to revise his vote.
Mr. BERMAN. Point of parliamentary inquiry.
Mr. ROTH. Mr. Chairman, there is a motion at the desk, and they are interrupting a roll call vote. The roll call vote should proceed, Mr. Chairman.

Mr. BERMAN. I have a reservation on Mr. Roth's motion. Mr. Chairman, I have a reservation.

Mr. ACKERMAN. Parliamentary inquiry.

Chairman GILMAN. Parliamentary inquiry, Mr. Chairman.

Mr. WYNN. I understand the Chair's ruling was that this was merely a reconsideration of a vote previously taken.

Chairman GILMAN. That is correct.

Mr. WYNN. But once the section has closed on that vote in which the—once the section in which the vote was taken has been closed, can you recall——

Chairman GILMAN. If the gentleman——

Mr. WYNN. May I finish, Mr. Chairman?

Chairman GILMAN. Yes, certainly.

Mr. WYNN. Can you reconsider the vote without having reserved the right to reconsider the vote after the section was closed?

Chairman GILMAN. The answer to that is yes, you can.

Mr. ACKERMAN. Parliamentary inquiry.

Mr. WYNN. I would like to take an exception to the rule of the Chair.

Chairman GILMAN. Your exception is noted.

Was there another parliamentary inquiry?

Mr. ACKERMAN. Mr. Chairman, I would like the Chair to reconsider his ruling on this because I believe that it is contrary to the rules of the committee and opens up a Pandora's box, for me as well as others, to then move for reconsideration of every single vote that was taken on every single amendment during the course of business on this bill, if that is what you think is appropriate to be done once a matter has been fully debated and accepted, Mr. Chairman.

Chairman GILMAN. The chair has previously ruled. We will now consider——

Mr. ACKERMAN. I appeal the decision of the Chair, Mr. Chairman.

Chairman GILMAN. There was no appeal made at the appropriate time for an appeal of the Chair.

Mr. BERMAN. Mr. Chairman, on my reservation. The gentleman from Wisconsin asked unanimous consent to take the matter up. I reserved the right to object. I would like to know when would it be taken up, if I objected?

Mr. ROTH. Regular order, Mr. Chairman. Move the previous question. Roll call.

Chairman GILMAN. A motion has been made for the previous question.

Mr. ENGEL. I object to the gentleman's request.

Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. Roll call is under way.

Mr. ENGEL. Parliamentary inquiry.

Mr. ROTH. You are interrupting a roll call.

Mr. ENGEL. Mr. Roth, you have been trying to shut us up all day, and I am tired of it. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. A roll call is under way.

Mr. ENGEL. Parliamentary inquiry.

Mr. BERMAN. Parliamentary inquiry.

Mr. ENGEL. The Minority is not going to be shut up, Mr. Chairman.

Chairman GILMAN. The committee will come to order. There is a——

Mr. ENGEL. We will come to order, Mr. Chairman, as soon as the rest of the Minority are recognized.

Chairman GILMAN. The clerk will call the roll.

Mr. ENGEL. I have never seen anything so ridiculous in my life.

Mr. ACKERMAN. Parliamentary inquiry before the roll begins, Mr. Chairman.

Mr. ENGEL. Parliamentary inquiry.

Mr. ACKERMAN. Parliamentary inquiry.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. Aye.

Mr. GARON. Mr. Gilman votes aye.

Mr. Goodling.

Mr. GOODLING. Aye.

Mr. GARON. Mr. Goodling votes aye.

Mr. Leach.

[No response.]

Mr. Roth.

Mr. ROTH. Aye.

Mr. GARON. Mr. Roth votes aye.

Mr. Hyde.

Mr. HYDE. Aye.

Mr. GARON. Mr. Hyde votes aye.

Mr. Bereuter.

Mr. BEREUTER. Aye.

Mr. GARON. Mr. Bereuter votes aye.

Mr. Smith.

Mr. SMITH. Aye.

Mr. GARON. Mr. Smith votes aye.

Mr. Burton.

Mr. BURTON. Aye.

Mr. GARON. Mr. Burton votes aye.

Mrs. Meyers.

Mrs. MEYERS. Aye.

Mr. GARON. Mrs. Meyers votes aye.

Mr. Gallegly.

Mr. GALLEGLY. Aye.

Mr. GARON. Mr. Gallegly votes aye.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Aye.

Mr. GARON. Ms. Ros-Lehtinen votes aye.

Mr. Ballenger.

Mr. BALLENGER. Aye.

Mr. GARON. Mr. Ballenger votes aye.

Mr. Rohrabacher.

Mr. ROHRABACHER. Aye.

Mr. GARON. Mr. Rohrabacher votes aye.

Mr. Manzullo.

Mr. MANZULLO. Aye.

Mr. GARON. Mr. Manzullo votes aye.

Mr. Royce.

Mr. ROYCE. Aye.
Mr. GARON. Mr. Royce votes aye.
Mr. King.
Mr. KING. Aye.
Mr. GARON. Mr. King votes aye.
Mr. Kim.
Mr. KIM. Aye.
Mr. GARON. Mr. Kim votes aye.
Mr. Brownback.
Mr. BROWNBACK. Aye.
Mr. GARON. Mr. Brownback votes aye.
Mr. Funderburk.
Mr. FUNDERBURK. Aye.
Mr. GARON. Mr. Funderburk votes aye.
Mr. Chabot.
Mr. CHABOT. Aye.
Mr. GARON. Mr. Chabot votes aye.
Mr. Sanford.
Mr. SANFORD. Aye.
Mr. GARON. Mr. Sanford votes aye.
Mr. Salmon.
Mr. SALMON. Aye.
Mr. GARON. Mr. Salmon votes aye.
Mr. Houghton.
Mr. HOUGHTON. Aye.
Mr. GARON. Mr. Houghton votes aye.
Mr. Hamilton.
Mr. HAMILTON. No.
Mr. GARON. Mr. Hamilton votes no.
Mr. Gejdenson.
Mr. GEJDENSON. No.
Mr. GARON. Mr. Gejdenson votes no.
Mr. Lantos.
Mr. LANTOS. No.
Mr. GARON. Mr. Lantos votes no.
Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
Mr. BERMAN. No.
Mr. GARON. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. I vote no.
Mr. GARON. Mr. Ackerman votes no.
Mr. Johnston.
Mr. JOHNSTON. No.
Mr. GARON. Mr. Johnston votes no.
Mr. Engel.
Mr. ENGEL. I vote no in this disgraceful episode.
Mr. GARON. Mr. Engel votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Mr. GARON. Mr. Faleomavaega votes no.
Mr. Martinez.
Mr. MARTINEZ. No.

Mr. GARON. Mr. Martinez votes no.
Mr. Payne.
Mr. PAYNE. No.
Mr. GARON. Mr. Payne votes no.
Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
Mr. MENENDEZ. No.
Mr. GARON. Mr. Menendez votes no.
Mr. Brown.
Mr. BROWN. No.
Mr. GARON. Mr. Brown votes no.
Ms. McKinney.
Ms. MCKINNEY. No.
Mr. GARON. Ms. McKinney votes no.
Mr. Hastings.
Mr. HASTINGS. No.
Mr. GARON. Mr. Hastings votes no.
Mr. Wynn.
Mr. WYNN. No.
Mr. GARON. Mr. Wynn votes no.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
Mr. MORAN. No.
Mr. GARON. Mr. Moran votes no.
Mr. Frazer.
[No response.]
Chairman GILMAN. The Chief of Staff will call the absentees.
Mr. GARON. Mr. Leach.
[No response.]
Mr. GARON. Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Frazer.
[No response.]
Chairman GILMAN. The Chief of Staff will report.
Mr. GARON. On this vote the ayes are 22 and the noes are 18.
Chairman GILMAN. The motion to reconsider has been agreed to.
The question recurs on the Berman Amendment.
All those in favor will signify in the usual manner.
Mr. BERMAN. Point of inquiry.
Chairman GILMAN. The gentleman is recognized for a point of inquiry.
Mr. BERMAN. Thank you.
Geez—am I to understand, first of all, that we are now faced with a reconsideration of the decision to pass my amendment?
Chairman GILMAN. That is correct. What is the inquiry?
Mr. BERMAN. My amendment is now before the body. Is it debatable?
Chairman GILMAN. No, no debates.
Mr. BERMAN. No debate? So what you are telling me is——
Chairman GILMAN. I am sorry. It is debatable. It is debatable.

Mr. BERMAN. And the amendment is before us at this particular time?

Chairman GILMAN. The Berman Amendment is before us. The motion to reconsider has been agreed to.

Mr. BERMAN. All I know is that we had approximately 45 minutes to an hour of open discussion—debate.

Chairman GILMAN. We have fully debated the measure.

Mr. BERMAN. May I be recognized, Mr. Chairman?

Chairman GILMAN. Yes, you are recognized.

Mr. BERMAN. All right. I move to strike the previous word.

Chairman GILMAN. The gentleman is recognized for 5 minutes.

Mr. BERMAN. Thank you.

We had a 45-minute debate on the fundamental question of whether a provision in this bill that is before us is so restrictive as to fundamentally undermine national security or to be a total nullity because it is unconstitutional. We have had an amendment to try to put that into context, because somehow the committee has lost jurisdiction over fundamental peacekeeping questions involved in this issue. And the amendment was debated extensively on both sides, and it was adopted.

Am I to conclude from all of this that now a leadership, which spent many of the last years talking about the heavy hand of the Democrats in pushing their own membership to vote a certain way, has now been exorcised on behalf of the new Republican leadership? This is some reform.

I yield back the balance of my time.

Mr. GALLEGLY. Mr. Chairman.

Chairman GILMAN. Mr. Gallegly.

Mr. GALLEGLY. Mr. Chairman, I move the previous question.

Chairman GILMAN. Previous question has been called for.

Mr. ENGEL. Mr. Chairman.

Chairman GILMAN. The question is on the motion to reconsider.

Mr. ENGEL. Mr. Chairman.

Chairman GILMAN. The question recurs on the Berman Amendment on the motion to reconsider.

Mr. ENGEL. Mr. Chairman, I would like to speak.

Chairman GILMAN. The question is on ordering the previous question on the Berman Amendment.

All those in favor signify in the usual manner.

Mr. ACKERMAN. Mr. Chairman, why can we not have a little bit of democracy here? And if we have reconsidered it——

Chairman GILMAN. The gentleman is reminded we are in a roll call at the moment.

Mr. ACKERMAN. But parliamentary inquiry.

Chairman GILMAN. All those opposed will signify in the usual manner.

Mr. ACKERMAN. Mr. Chairman, I requested a parliamentary inquiry in a timely fashion.

Chairman GILMAN. The gentleman is interrupting a roll call.

Mr. ACKERMAN. I think what has been a democracy heretofore, Mr. Chairman——

Chairman GILMAN. The gentleman is interrupting a roll call.

Mr. ACKERMAN. I wish to speak.

Chairman GILMAN. All those in favor signify in the usual manner.

Mr. ACKERMAN. Mr. Gilman, what you are doing is going to be very disruptive to the peace and tranquility of this committee. The Democrats should be given the courtesy to have their voices heard. If something is being reconsidered, then just allow the members to reconsider it.

Chairman GILMAN. The question recurs now on the Berman Amendment. So many as are in favor signify in the usual manner.

All those opposed, no.

Mr. BERMAN. Roll call, Mr. Chairman, if we are not being too presumptuous.

Chairman GILMAN. Roll call vote is demanded. Is there a sufficient second?

Ms. MCKINNEY. Second.

Mr. ACKERMAN. Second.

Chairman GILMAN. There is a sufficient second. A roll call vote is ordered. The Chief of Staff will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. No.

Mr. GARON. Mr. Gilman votes no.

Mr. Goodling.

Mr. GOODLING. No.

Mr. GARON. Mr. Goodling votes no.

Mr. LEACH.

[No response.]

Mr. Roth.

Mr. ROTH. No.

Mr. GARON. Mr. Roth votes no.

Mr. Hyde.

Mr. HYDE. No.

Mr. GARON. Mr. Hyde votes no.

Mr. Bereuter.

Mr. BEREUTER. No.

Mr. GARON. Mr. Bereuter votes no.

Mr. Smith.

Mr. SMITH. No.

Mr. GARON. Mr. Smith votes no.

Mr. Burton.

Mr. BURTON. No.

Mr. GARON. Mr. Burton votes no.

Mrs. Meyers.

Mrs. MEYERS. No.

Mr. GARON. Mrs. Meyers votes no.

Mr. Gallegly.

Mr. GALLEGLY. No.

Mr. GARON. Mr. Gallegly votes no.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. No.

Mr. GARON. Ms. Ros-Lehtinen votes no.

Mr. Ballenger.

Mr. BALLENGER. No.

Mr. GARON. Mr. Ballenger votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.
Mr. GARON. Mr. Rohrabacher votes no.
Mr. Manzullo.
Mr. MANZULLO. No.
Mr. GARON. Mr. Manzullo votes no.
Mr. Royce.
Mr. ROYCE. No.
Mr. GARON. Mr. Royce votes no.
Mr. King.
Mr. KING. No.
Mr. GARON. Mr. King votes no.
Mr. Kim.
Mr. KIM. No.
Mr. GARON. Mr. Kim votes no.
Mr. Brownback.
[No response.]
Mr. GARON. Mr. Funderburk.
[No response.]
Mr. GARON. Mr. Chabot.
Mr. CHABOT. Pass.
Mr. GARON. Mr. Sanford.
Mr. SANFORD. No.
Mr. GARON. Mr. Sanford votes no.
Mr. Salmon.
Mr. SALMON. No.
Mr. GARON. Mr. Salmon votes no.
Mr. Houghton.
Mr. HOUGHTON. No.
Mr. GARON. Mr. Houghton votes no.
Mr. Hamilton.
Mr. HAMILTON. Aye.
Mr. GARON. Mr. Hamilton votes aye.
Mr. Gejdenson.
Mr. GEJDENSON. Aye.
Mr. GARON. Mr. Gejdenson votes aye.
Mr. Lantos.
Mr. LANTOS. Aye.
Mr. GARON. Mr. Lantos votes aye.
Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
Mr. BERMAN. Aye.
Mr. GARON. Mr. Berman votes aye.
Mr. Ackerman.
Mr. ACKERMAN. Aye.
Mr. GARON. Mr. Ackerman votes aye.
Mr. Johnston.
Mr. JOHNSTON. Aye.
Mr. GARON. Mr. Johnston votes aye.
Mr. Engel.
Mr. ENGEL. Aye.
Mr. GARON. Mr. Engel votes aye.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. Aye.

Mr. GARON. Mr. Faleomavaega votes aye.
Mr. Martinez.
Mr. MARTINEZ. Aye.
Mr. GARON. Mr. Martinez votes aye.
Mr. Payne.
Mr. PAYNE. Aye.
Mr. GARON. Mr. Payne votes aye.
Mr. Andrews.
Mr. ANDREWS. Present.
Mr. GARON. Mr. Andrews votes present.
Mr. Menendez.
Mr. MENENDEZ. Aye.
Mr. GARON. Mr. Menendez votes aye.
Mr. Brown.
Mr. BROWN. Yes.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.
Ms. MCKINNEY. Aye.
Mr. GARON. Ms. McKinney votes aye.
Mr. Hastings.
Mr. HASTINGS. Aye.
Mr. GARON. Mr. Hastings votes aye.
Mr. Wynn.
Mr. WYNN. Aye.
Mr. GARON. Mr. Wynn votes aye.
Mr. McNulty.
Mr. MCNULTY. Aye.
Mr. GARON. Mr. McNulty votes aye.
Mr. Moran.
Mr. MORAN. Aye.
Mr. GARON. Mr. Moran votes aye.
Mr. Frazer.
Mr. FRAZER. Aye.
Mr. GARON. Mr. Frazer votes aye.
Chairman GILMAN. Chief of Staff will call the absentees.
Mr. GARON. Mr. Torricelli.
Mr. TORRICELLI. How am I recorded?
Mr. GARON. You are not recorded.
Mr. TORRICELLI. The vote is aye.
Mr. GARON. Mr. Torricelli is aye.
Mr. Leach.
[No response.]
Mr. GARON. Mr. Brownback.
Mr. BROWNBACK. No.
Mr. GARON. Mr. Brownback votes no.
Mr. Funderburk.
Mr. FUNDERBURK. No.
Mr. GARON. Mr. Funderburk votes no.
Mr. Chabot.
Mr. CHABOT. Aye.
Mr. GARON. Mr. Chabot votes aye.
Chairman GILMAN. The clerk will report the tally on the vote. The Chief of Staff will report the vote.

Mr. GARON. On this vote the ayes are 20 and the noes are 21, one vote present.

Mr. BERMAN. What was that?

Chairman GILMAN. The amendment is not agreed to.

Mr. ENGEL. Mr. Chairman.

Mr. GOODLING. Mr. Chairman, I move the previous question on the amendment in the nature of the substitute.

Chairman GILMAN. Move the previous question. The question is on the motion.

Mr. ENGEL. What is the motion?

Chairman GILMAN. All those in favor will signify in the usual manner.

Mr. ENGEL. Parliamentary inquiry.

Mr. ACKERMAN. Mr. Chairman, we cannot even hear what you are doing. Could you please look in this direction once in a while, because members are asking for recognition.

Chairman GILMAN. If the gentleman would withhold his remarks he would be able to hear what the motion is. The motion is on the previous question.

All those in favor of the amendment in the nature of a substitute will signify in the usual manner.

All those opposed, no.

In the opinion of the Chair, the ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. ENGEL. Roll call.

Chairman GILMAN. Is there a sufficient second?

Mr. ACKERMAN. Mr. Chairman, parliamentary inquiry. Parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. The Chair is not going to entertain a parliamentary inquiry while we are in the process of a roll call.

Mr. ACKERMAN. We are not in the process of a roll call, and I had a timely request, Mr. Chairman. Please do not ignore us when we are timely.

Mr. GALLEGLY. Mr. Chairman, there is a motion on the Floor.

Mr. ACKERMAN. The Chairman asked for a second, and I would like to know if a second is required because there was none that I heard.

Chairman GILMAN. There is a sufficient second.

Mr. ACKERMAN. Forgive me for being a little louder, but there seems to be an auditory problem here.

Chairman GILMAN. If the gentleman would withhold, there is a sufficient second. A roll call is ordered.

Mr. ACKERMAN. Who made the second, Mr. Chairman? Nobody heard it, and nobody made it. And the question was, is a second now required in this committee?

Chairman GILMAN. We are extending a roll call vote on the motion that is before us.

Mr. ACKERMAN. Mr. Chairman, is a second required in this committee?

Chairman GILMAN. Is the gentleman objecting to a roll call?

Mr. ACKERMAN. I am asking a question, Mr. Chairman. Is a second required in the committee for a demand on a roll call vote? It is a simple question.

Mr. ROHRABACHER. Mr. Chairman.

Mr. ACKERMAN. I am inquiring because we do not know.

Mr. ROHRABACHER. The gentleman from New York may not have heard Mr. Ballenger, who quietly seconded it, is what he says.

Mr. ACKERMAN. That is not the question. That is not the question.

Chairman GILMAN. In response to the gentleman's inquiry, a second is required. As a matter of courtesy, we are extending a roll call, but we will ask is there a sufficient second for a roll call?

There is sufficient second. A roll call is ordered. Chief of Staff will call the roll on the previous question.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. Aye.

Mr. GARON. Mr. Gilman votes aye.

Mr. Goodling.

Mr. GOODLING. Aye.

Mr. GARON. Mr. Goodling votes aye.

Mr. Leach.

[No response.]

Mr. Roth.

Mr. ROTH. Aye.

Mr. GARON. Mr. Roth votes aye.

Mr. Hyde.

Mr. HYDE. Aye.

Mr. GARON. Mr. Hyde votes aye.

Mr. Bereuter.

Mr. BEREUTER. Aye.

Mr. GARON. Mr. Bereuter votes aye.

Mr. Smith.

Mr. SMITH. Aye.

Mr. GARON. Mr. Smith votes aye.

Mr. Burton.

Mr. BURTON. Aye.

Mr. GARON. Mr. Burton votes aye.

Mrs. MEYERS.

Mrs. Meyers. Aye.

Mr. GARON. Mrs. Meyers votes aye.

Mr. Gallegly.

Mr. GALLEGLY. Aye.

Mr. GARON. Mr. Gallegly votes aye.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Aye.

Mr. GARON. Ms. Ros-Lehtinen votes aye.

Mr. Ballenger.

Mr. BALLENGER. Aye.

Mr. GARON. Mr. Ballenger votes aye.

Mr. Rohrabacher.

Mr. ROHRABACHER. Aye.

Mr. GARON. Mr. Rohrabacher votes aye.

Mr. Manzullo.

Mr. MANZULLO. Aye.

Mr. GARON. Mr. Manzullo votes aye.

Mr. Royce.

Mr. ROYCE. Aye.

Mr. GARON. Mr. Royce votes aye.

Mr. King.
Mr. KING. Aye.
Mr. GARON. Mr. King votes aye.
Mr. Kim.
Mr. KIM. Yes.
Mr. GARON. Mr. Kim votes aye.
Mr. Brownback.
Mr. BROWNBACK. Aye.
Mr. GARON. Mr. Brownback votes aye.
Mr. Funderburk.
Mr. FUNDERBURK. Yes.
Mr. GARON. Mr. Funderburk votes aye.
Mr. Chabot.
Mr. CHABOT. No.
Mr. GARON. Mr. Chabot votes no.
Mr. Sanford.
Mr. SANFORD. Yes.
Mr. GARON. Mr. Sanford votes aye.
Mr. Salmon.
Mr. SALMON. Aye.
Mr. GARON. Mr. Salmon votes aye.
Mr. Houghton.
Mr. HOUGHTON. Aye.
Mr. GARON. Mr. Houghton votes aye.
Mr. Hamilton.
Mr. HAMILTON. No.
Mr. GARON. Mr. Hamilton votes no.
Mr. Gejdenson.
Mr. GEJDENSON. No.
Mr. GARON. Mr. Gejdenson votes no.
Mr. Lantos.
Mr. LANTOS. No.
Mr. GARON. Mr. Lantos votes no.
Mr. Torricelli.
[No response.]
Mr. GARON. Mr. Berman.
Mr. BERMAN. No.
Mr. GARON. Mr. Berman votes no.
Mr. Ackerman.
Mr. ACKERMAN. No.
Mr. GARON. Mr. Ackerman votes no.
Mr. Johnston.
Mr. JOHNSTON. No.
Mr. GARON. Mr. Johnston votes no.
Mr. Engel.
Mr. ENGEL. No.
Mr. GARON. Mr. Engel votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Mr. GARON. Mr. Faleomavaega votes no.
Mr. Martinez.
Mr. MARTINEZ. No.
Mr. GARON. Mr. Martinez votes no.
Mr. Payne.

Mr. PAYNE. No.
Mr. GARON. Mr. Payne votes no.
Mr. Andrews.
Mr. ANDREWS. No.
Mr. GARON. Mr. Andrews votes no.
Mr. Menendez.
Mr. MENENDEZ. No.
Mr. GARON. Mr. Menendez votes no.
Mr. Brown.
[No response.]
Mr. GARON. Ms. McKinney.
Ms. MCKINNEY. No.
Mr. GARON. Ms. McKinney votes no.
Mr. Hastings.
Mr. HASTINGS. No.
Mr. GARON. Mr. Hastings votes no.
Mr. Wynn.
Mr. WYNN. No.
Mr. GARON. Mr. Wynn votes no.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
Mr. MORAN. No.
Mr. GARON. Mr. Moran votes no.
Mr. Frazer.
Mr. FRAZER. No.
Mr. GARON. Mr. Frazer votes no.
Mr. Leach.
[No response.]
Mr. Torricelli.
[No response.]
Mr. Brown.
[No response.]
Chairman GILMAN. The Chief of Staff will report the tally.
Mr. GARON. On this vote the ayes are 21 and the noes are 19.
Chairman GILMAN. The question is now on the——
Mr. WYNN. Mr. Chairman, parliamentary inquiry.
Mr. ENGEL. Mr. Chairman.
Chairman GILMAN. What is the parliamentary inquiry?
Mr. WYNN. Mr. Chairman, on several occasions this morning the Chair has ruled than that he would not recognize Members for a parliamentary inquiry because a vote is under way. I would like the Chair to expressly state at what point does a vote begin?

Because I think it is patently unfair for every time that Members are seeking or whenever Members are seeking to raise parliamentary inquiry the Chair says a vote is under way. Does a vote begin with the first aye? Does it begin with the first name on the roll call? At what point is a vote under way?

Chairman GILMAN. In response to the gentleman's inquiry, it is in the discretion of the Chair as to when there is recognition for a parliamentary inquiry.

The question is now on the adoption——
Mr. ENGEL. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. The gentleman is recognized.

Mr. ENGEL. Thank you, Mr. Chairman. Mr. Chairman, I would like to reconsider a vote that was brought up yesterday in which I was on the prevailing side.

Chairman GILMAN. The gentleman was not recognized for a motion. It was a parliamentary inquiry.

Mr. ENGEL. Mr. Chairman, I want to make a motion to reconsider a vote.

Chairman GILMAN. You are not in order.

Mr. ENGEL. Mr. Chairman, I asked before for your attention to reconsider a vote, and I was told a roll call had already begun. Now I would like to ask it again, and I am told I am out of order. When can I make a motion to reconsider a vote? That is my parliamentary inquiry. When would it be in order, Mr. Chairman?

Mr. BEREUTER. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman.

In an effort to restore some comity, if that is possible here, I would ask in this parliamentary inquiry is it correct that a motion to reconsider, according to the parliamentary advice we have received, is in order until the chairman's substitute has been adopted, which we have now completed? Is that correct?

Chairman GILMAN. That is correct, Mr. Bereuter.

Mr. BEREUTER. I thank the Chair.

Mr. ENGEL. Let me say, Mr. Chairman, before we adopted this, I asked to be recognized, and I was not recognized. So when it is in order, I am not recognized; and I am not recognized when it is not in order. So, therefore, I can never make a motion to reconsider a vote. I guess if you are in the Minority that is the new way things work around here.

Chairman GILMAN. The question is now on the adoption of the amendment in the nature of a substitute as amended. All those in favor signify in the usual manner.

Those opposed.

The ayes appear to have it. The ayes have it, and the amendment——

Mr. ENGEL. Roll call.

Chairman GILMAN. Roll call is requested. Is there a second?

Chairman GILMAN. The clerk will call the roll. There is a sufficient second. Chief of Staff will call the roll.

Mr. GARON. Mr. Chairman.

Chairman GILMAN. Aye.

Mr. GARON. Mr. Gilman votes aye.

Mr. Goodling.

Mr. GOODLING. Aye.

Mr. GARON. Mr. Goodling votes aye.

Mr. Leach.

[No response.]

Mr. Roth.

Mr. ROTH. Aye.

Mr. GARON. Mr. Roth votes aye.

Mr. Hyde.

Mr. HYDE. Aye.

Mr. GARON. Mr. Hyde votes aye.

Mr. Bereuter.
Mr. BEREUTER. Aye.
Mr. GARON. Mr. Bereuter votes aye.
Mr. Smith.
[No response.]
Mr. GARON. Mr. Burton.
Mr. BURTON. Aye.
Mr. GARON. Mr. Burton votes aye.
Mrs. Meyers.
Mrs. MEYERS. Aye.
Mr. GARON. Mrs. Meyers votes aye.
Mr. Gallegly.
Mr. GALLEGLY. Aye.
Mr. GARON. Mr. Gallegly votes aye.
Ms. Ros-Lehtinen.
Ms. ROS-LEHTINEN. Aye.
Mr. GARON. Ms. Ros-Lehtinen votes aye.
Mr. Ballenger.
Mr. BALLENGER. Aye.
Mr. GARON. Mr. Ballenger votes aye.
Mr. Rohrabacher.
Mr. ROHRABACHER. Aye.
Mr. GARON. Mr. Rohrabacher votes aye.
Mr. Manzullo.
Mr. MANZULLO. Aye.
Mr. GARON. Mr. Manzullo votes aye.
Mr. Royce.
Mr. ROYCE. Aye.
Mr. GARON. Mr. Royce votes aye.
Mr. King.
Mr. KING. Aye.
Mr. GARON. Mr. King votes aye.
Mr. Kim.
Mr. KIM. Aye.
Mr. GARON. Mr. Kim votes aye.
Mr. Brownback.
Mr. BROWNBACK. Aye.
Mr. GARON. Mr. Brownback votes aye.
Mr. Funderburk.
Mr. FUNDERBURK. Aye.
Mr. GARON. Mr. Funderburk votes aye.
Mr. Chabot.
Mr. CHABOT. Aye.
Mr. GARON. Mr. Chabot votes aye.
Mr. Sanford.
Mr. SANFORD. Aye.
Mr. GARON. Mr. Sanford votes aye.
Mr. Salmon.
Mr. SALMON. Aye.
Mr. GARON. Mr. Salmon votes aye.
Mr. Houghton.
Mr. HOUGHTON. Aye.
Mr. GARON. Mr. Houghton votes aye.
Mr. Hamilton.

Mr. HAMILTON. No.
Mr. GARON. Mr. Hamilton votes no.
Mr. Gejdenson.
Mr. GEJDENSON. No.
Mr. GARON. Mr. Gejdenson votes no.
Mr. Lantos.
Mr. LANTOS. With profound revulsion at the process, Mr. Lantos votes no.
Mr. GARON. Mr. Lantos votes no.
Mr. Torricelli.
Mr. TORRICELLI. No.
Mr. GARON. Mr. Torricelli votes no.
Mr. Berman.
Mr. BERMAN. No.
Mr. GARON. Mr. Berman votes no.
Mr. Ackerman.
[No response.]
Mr. GARON. Mr. Johnston.
Mr. JOHNSTON. No.
Mr. GARON. Mr. Johnston votes no.
Mr. Engel.
Mr. ENGEL. I second Mr. Lantos' revulsion, and I vote no.
Mr. GARON. Mr. Engel votes no.
Mr. Faleomavaega.
Mr. FALEOMAVAEGA. No.
Mr. GARON. Mr. Faleomavaega votes no.
Mr. Martinez.
[No response.]
Mr. GARON. Mr. Payne.
Mr. PAYNE. No.
Mr. GARON. Mr. Payne votes no.
Mr. Andrews.
Mr. ANDREWS. Aye.
Mr. GARON. Mr. Andrews votes aye.
Mr. Menendez.
Mr. MENENDEZ. No.
Mr. GARON. Mr. Menendez votes no.
Mr. Brown.
Mr. BROWN. Yes.
Mr. GARON. Mr. Brown votes aye.
Ms. McKinney.
Ms. MCKINNEY. Aye—ah, no.
Mr. GARON. Ms. McKinney votes no.
Mr. Hastings.
Mr. HASTINGS. No.
Mr. GARON. Mr. Hastings votes no.
Mr. Wynn.
Mr. WYNN. No.
Mr. GARON. Mr. Wynn votes no.
Mr. McNulty.
Mr. MCNULTY. No.
Mr. GARON. Mr. McNulty votes no.
Mr. Moran.
Mr. MORAN. No.

Mr. GARON. Mr. Moran votes no.
Mr. Frazer.
Mr. FRAZER. No.
Mr. GARON. Mr. Frazer votes no.
Mr. Smith.
Mr. SMITH. Aye.
Mr. GARON. Mr. Smith votes aye.
Mr. Leach.
[No response.]
Mr. BROWN. Mr. Chairman.
Mr. Chairman, how am I recorded?
Mr. GARON. Mr. Brown is recorded as aye.
Mr. BROWN. I would like to vote no.
Mr. GARON. Mr. Brown switches from aye to no.
Mr. Ackerman——
Mr. ACKERMAN. No, Mr. Chairman.
Mr. GARON. Mr. Ackerman is no.
Mr. Martinez——
[No response.]
On this vote the ayes are 23 and the noes are 18.
Chairman GILMAN. The amendment is agreed to.
Mr. GOODLING. Mr. Chairman, I move the Chief of Staff be authorized to make technical and conforming amendments to the bill, that the committee report the bill as amended to the House with the recommendation that the bill, as amended, do pass, and that the chairman be authorized to take any other necessary steps required to bring the bill before the House for consideration.
Chairman GILMAN. Without objection, the motion is agreed to.
Mr. HAMILTON. Mr. Chairman.
Chairman GILMAN. Mr. Hamilton.
Mr. HAMILTON. I request the customary 3 days for members to file minority or dissenting views.
Chairman GILMAN. Without objection, the request is agreed to.
I want to thank our members for their indulgence and patience and thank you for helping us complete the measure.
The committee stands adjourned.
[Whereupon, at 11:55 a.m., the committee was adjourned to reconvene at the call of the Chair.]

APPENDIX

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 7 OFFERED BY

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Security Revitalization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, POLICY, AND PURPOSES

Sec. 101. Findings.
Sec. 102. Policy.
Sec. 103. Purposes.

TITLE II—MISSILE DEFENSE

Sec. 201. Policy.
Sec. 202. Actions of the Secretary of Defense.
Sec. 203. Report to Congress.

TITLE III—REVITALIZATION OF NATIONAL SECURITY COMMISSION

Sec. 301. Establishment.
Sec. 302. Composition.
Sec. 303. Duties.
Sec. 304. Reports.
Sec. 305. Powers.
Sec. 306. Commission procedures.
Sec. 307. Personnel matters.
Sec. 308. Termination of the commission.
Sec. 309. Funding.

TITLE IV—COMMAND OF UNITED STATES FORCES

Sec. 401. Limitation on expenditure of Department of Defense funds for United States forces placed under command or operational control of a foreign national acting on behalf of the United Nations.
Sec. 402. Limitation on placement of United States Armed Forces under foreign control for a United Nations peacekeeping activity.

TITLE V—UNITED NATIONS

Sec. 501. Credit against assessment for United States expenditures in support of United Nations peacekeeping operations.
Sec. 502. Codification of required notice to Congress of proposed United Nations peacekeeping activities.
Sec. 503. Notice to Congress regarding United States contributions for United Nations peacekeeping activities.
Sec. 504. Revised notice to Congress regarding United States assistance for United Nations peacekeeping activities.
Sec. 505. United States contributions to United Nations peacekeeping activities.
Sec. 506. Reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities.
Sec. 507. Prohibition on use of funds to pay United States assessed or voluntary contribution for United Nations peacekeeping activities unless Department of Defense reimbursed by United Nations for certain goods and services.
Sec. 508. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.
Sec. 509. Codification of limitation on amount of United States assessed contributions for United Nations peacekeeping operations.
Sec. 510. Buy American requirement.
Sec. 511. United Nations peacekeeping budgetary and management reform.
Sec. 512. Conditions on provision of intelligence to the United Nations.

TITLE VI—EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. United States policy.
Sec. 604. Revisions to program to facilitate transition to NATO membership.
Sec. 605. Annual reporting requirement.
Sec. 606. Definitions.

TITLE VII—BUDGET FIREWALLS

Sec. 701. Restoration of budget firewalls for defense spending.

TITLE I—FINDINGS, POLICY, AND PURPOSES

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Since January 1993, presidential budgets and budget plans have set forth a reduction in defense spending of $156,000,000,000 through fiscal year 1999.

(2) The fiscal year 1995 budget is the 10th consecutive year of reductions in real defense spending and, with the exception of fiscal year 1948, represents the lowest percentage of gross domestic product for any defense budget since World War II.

(3) During fiscal year 1995, the number of active duty, reserve component, and civilian personnel of the Department of Defense will be reduced by 182,000, a rate of over 15,000 per month or over 500 per day. The Bureau of Labor Statistics estimates that 1,200,000 defense-related private sector jobs will be lost by 1997.

(4) Despite severe reductions and shortfalls in defense funding and force structure, since 1993 United States military forces have been deployed more often and committed to more peacetime missions per year than ever before. Most of these missions involve United Nations peace keeping and humanitarian efforts. At the end of fiscal year 1994, over 70,000 United States personnel were serving in such regions as Iraq, Bosnia, Macedonia, the Adri-

atic Sea, Rwanda, and the Caribbean Sea for missions involving Haiti and Cuba.

(5) United Nations assessments to the United States for peace keeping missions totaled over $1,000,000,000 in 1994. The United States is assessed 31.7 percent of annual United Nations costs for peace keeping and other United Nations missions. The next highest contributor, Japan, only pays 12.5 percent of such costs. The Department of Defense also incurs hundreds of millions of dollars in costs every year for United States military participation in United Nations peace keeping or humanitarian missions, most of which are not reimbursed by the United Nations. For fiscal year 1994, these Department of Defense costs totaled over $1,721,000,000.

(6) Credible and effective collective action on international security concerns, through the United Nations and regional organizations such as the North Atlantic Treaty Organization can, in appropriate cases, advance world peace, strengthen the national security of the United States, and foster more equitable burden-sharing with friends and allies of the United States in military, political, and financial terms.

(7) A return to the "hollow forces" of the 1970s has already begun. At the end of fiscal year 1994, one-third of the units in the Army contingency force and all of the forward-deployed and follow-on Army divisions were reporting a reduced state of military readiness. During fiscal year 1994, training readiness declined for the Navy's Atlantic and Pacific fleets. Funding shortfalls for that fiscal year resulted in a grounding of Navy and Marine Corps aircraft squadrons and cancellation and curtailment of Army training exercises. Marine and naval personnel are not maintaining the standard 12- to 18-month respite between six-month deployments away from home. Marine Corps units are spending up to two of their first four years away from their base camps. The significantly increased pace of Department of Defense operations has United States forces over deployed.

(8) As of January 1, 1995, military pay is approximately 12.8 percent below comparable civilian levels. As a result, it is estimated that close to 17,000 junior enlisted personnel have to rely on food stamps and the Department of Defense will soon begin providing supplementary food benefits to an

estimated 11,000 military personnel and dependents living overseas.

(9) Defense modernization programs to maintain the battlefield technology edge of the United States over other nations are being delayed or canceled in an attempt to prevent the further erosion of military force readiness.

(10) The centerpiece of the Administration's defense strategy, the Bottom Up Review, reduces Navy ships by one-third, Air Force wings by almost one-half, and funding for missile defenses by over 50 percent, and the General Accounting Office has reported that even the restrictive Bottom Up Review could be underfunded by $150,000,000,000.

(11) The Administration has initially agreed to or proposed treaty limitations, or has unilaterally adopted positions, that prohibit the United States from testing or deploying effective missile defense systems.

SEC. 102. POLICY.

The Congress is committed to providing adequate resources to protect the national security interests of the United States.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish a commission to reassess United States military needs and reverse the continuing downward spiral of defense spending;

(2) to commit the United States to accelerate the development and deployment of theater and national ballistic missile defense capabilities;

(3) to restrict deployment of United States forces to missions that are in the national security interest of the United States;

(4) to maintain command and control by United States personnel of United States forces participating in United Nations peacekeeping operations;

(5) to reduce the cost to the United States of United Nations peacekeeping activities and to press for reforms in the United Nations management practices; and

(6) to reemphasize the commitment of the United States to a strong and viable North Atlantic Treaty Organization.

TITLE II—MISSILE DEFENSE

SEC. 201. POLICY.

It shall be the policy of the United States to—

(1) deploy at the earliest possible date an antiballistic missile system that is capable of providing

a highly effective defense of the United States against ballistic missile attacks; and

(2) provide at the earliest possible date highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friendly forces and allies of the United States.

SEC. 202. ACTIONS OF THE SECRETARY OF DEFENSE.

(a) ABM SYSTEMS.—The Secretary of Defense shall develop for deployment at the earliest possible date a cost-effective, operationally effective antiballistic missile system designed to protect the United States against ballistic missile attacks.

(b) ADVANCED THEATER MISSILE DEFENSES.—The Secretary of Defense shall develop for deployment at the earliest possible date advanced theater missile defense systems.

SEC. 203. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of an antiballistic missile system pursuant to section 202(a) and for the deployment of theater missile defense systems pursuant to section 202(b).

(b) CONGRESSIONAL DEFENSE COMMITTEES.—For purposes of this section, the term "congressional defense committees" means—

(1) the Committee on National Security and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate.

TITLE III—REVITALIZATION OF NATIONAL SECURITY COMMISSION

SEC. 301. ESTABLISHMENT.

There is hereby established a commission to be known as the "Revitalization of National Security Commission" (hereinafter in this title referred to as the "Commission").

SEC. 302. COMPOSITION.

(a) APPOINTMENT.—The Commission shall be composed of 12 members, appointed as follows:

(1) Four members shall be appointed by the President.

(2) Four members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(3) Four members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate.

(b) QUALIFICATIONS.—The members of the Commission shall be appointed from among persons having knowledge and experience in defense and foreign policy.

(c) TERM OF MEMBERS; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) COMMENCEMENT.—The members of the Commission shall be appointed not later than 21 days after the enactment of this Act. The Commission shall convene its first meeting to carry out its duties under this section 14 days after seven members of the Commission have been appointed.

(e) CHAIRMAN.—The chairman of the Commission shall be designated jointly by the Speaker of the House of Representatives and the majority leader of the Senate from among members of the Commission appointed under subsection (a)(2) or (a)(3).

SEC. 303. DUTIES.

(a) COMPREHENSIVE REVIEW.—The Commission shall conduct a comprehensive review of the long-term national security needs of the United States. The review shall include the following:

(1) An assessment of the need for a new national security strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(2) An assessment of the need for a new national military strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(3) An assessment of the military force structure necessary to support the new strategies identified under paragraphs (1) and (2).

(4) An assessment of force modernization requirements necessary to support the new strategies identified under paragraphs (1) and (2).

(5) An assessment of military infrastructure requirements necessary to support the new strategies identified under paragraphs (1) and (2).

(6) An assessment of the funding needs of the Department of Defense necessary to support the long-term national security requirements of the United States.

(7) An assessment of the adequacy of the force structure recommended in the 1993 Bottom-Up Review in executing the national military strategy.

(8) An assessment of the adequacy of the current future-years defense plan in fully funding the Bottom-Up Review force structure while maintaining adequate force modernization and military readiness objectives.

(9) An assessment of the level of defense funds expended on non-defense programs.

(10) An assessment of the costs to the United States of expanding the membership of the North Atlantic Treaty Organization.

(b) MATTERS TO BE CONSIDERED.—In carrying out the review, the Commission shall develop specific recommendations to accomplish each of the following:

(1) Provide members of the Armed Forces with annual pay raises and other compensation at levels sufficient to begin closing the gap with comparable civilian pay levels.

(2) Fully fund cost-effective missile defense systems that are deployable at the earliest possible date following enactment of this Act.

(3) Maintain adequate funding for military readiness accounts without sacrificing modernization programs.

(4) Provide a stronger role for Guard and Reserve forces.

(5) Provide a new funding system to avoid diversions from military readiness accounts to pay for peace keeping and humanitarian deployments such as Haiti and Rwanda.

SEC. 304. REPORTS.

(a) FINAL REPORT.—The Commission shall submit to the President and the designated congressional committees a report on the assessments and recommendations referred to in section 303 not later than January 1, 1996. The report shall be submitted in unclassified and classified versions.

(b) INTERIM REPORT.—The Commission shall submit to the President and the designated congressional committees an interim report describing the Commission's progress in fulfilling its duties under section 303. The interim report shall include any preliminary recommendations the Commission may have reached and shall be submitted not later than October 1, 1995.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "designated congressional committees" means—

(1) the Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 305. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) ASSISTANCE FROM OTHER AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this title, as may be necessary to carry out such duties. Upon request of the chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same con-

ditions as the departments and agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request.

SEC. 306. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet on a regular basis (as determined by the chairman) and at the call of the chairman or a majority of its members.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SEC. 307. PERSONNEL MATTERS.

(a) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(b) STAFF.—The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable

the Commission to carry out its duties under this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this subsection (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(c) DETAILED PERSONNEL.—Upon request of the chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

SEC. 308. TERMINATION OF THE COMMISSION.

The Commission shall terminate upon submission of the final report required by section 303.

SEC. 309. FUNDING.

Of the funds available to the Department of Defense, $1,500,000 shall be made available to the Commission to carry out the provisions of this title.

TITLE IV—COMMAND OF UNITED STATES FORCES

SEC. 401. LIMITATION ON EXPENDITURE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES FORCES PLACED UNDER COMMAND OR OPERATIONAL CONTROL OF A FOREIGN NATIONAL ACTING ON BEHALF OF THE UNITED NATIONS.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§ 405. Placement of United States forces under command or operational control of foreign nationals acting on behalf of the United Nations: limitation

"(a) LIMITATION.—(1) Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under the command or operational control of a foreign national acting on behalf of the United

Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Secretary Council under chapter VI or VII of the Charter of the United Nations.

"(2) For purposes of this section, elements of the armed forces shall not be considered to be placed under the command or operational control of a foreign national acting on behalf of the United Nations in any case in which the senior military commander of the United Nations force or operation is a United States military officer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for United States forces involved, and establish criteria governing the operational employment of such United States forces.

"(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under such command or operational control if the President, not less than 15 days before the date on which such command or operational control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meet-

ing the requirements of subsection (d) 15 days before placing any element of the armed forces under such command or operational control, the President may place such forces under such command or operational control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or operational control becomes effective.

"(c) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under such command or operational control if the Congress specifically authorizes by law that particular placement of United States forces under such command or operational control.

"(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that—

"(A) such a command or operational control arrangement is necessary to protect national security interests of the United States;

"(B) the commander of any unit of the armed forces proposed for placement under the command or operational control of a foreign na-

tional acting directly on behalf of the United Nations will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

"(C) any element of the armed forces proposed for placement under the command or operational control of a foreign national acting directly on behalf of the United Nations will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

"(D) the United States will retain the authority to withdraw any element of the armed forces from the proposed operation at any time

and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

"(A) A description of the national security interests that require the placement of United States forces under the command or operational control of a foreign national acting directly on behalf of the United Nations.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under the command or operational control of a foreign national.

"(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(F) The precise command and control relationship between the United States forces involved and the commander of the United States

unified command for the region in which those United States forces are to operate.

"(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

"(H) The timetable for complete withdrawal of the United States forces involved.

"(e) CLASSIFICATION OF REPORT.—A report under subsection (c) shall be submitted in unclassified form and, if necessary, in classified form.

"(f) INTERPRETATION.—Nothing in this section may be construed—

"(1) as authority for the President to use any element of the armed forces in any operation; or

"(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Placement of United States forces under command or operational control of foreign nationals acting on behalf of the United Nations: limitation.".

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 405(d)(1) of title 10, United States Code, as added by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces in Macedonia authorized pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions, and in the case of activities of the Armed Forces in Croatia authorized pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions, as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR).

SEC. 402. LIMITATION ON PLACEMENT OF UNITED STATES ARMED FORCES UNDER FOREIGN CONTROL FOR A UNITED NATIONS PEACEKEEPING ACTIVITY.

(a) IN GENERAL.—Section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d) is amended to read as follows:

"SEC. 6. (a) AGREEMENTS WITH SECURITY COUNCIL.—(1) Any special agreement described in paragraph (2) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by law.

"(2) An agreement referred to in paragraph (1) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

"(b) LIMITATION.—(1) Except as provided in subsections (c) and (d), the President may not place any element of the Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity

that is authorized by the Secretary Council under chapter VI or VII of the Charter of the United Nations.

"(2) For purposes of this section, elements of the Armed Forces shall not be considered to be placed under the command or operational control of a foreign national acting on behalf of the United Nations in any case in which the senior military commander of the United Nations force or operation is a United States military officer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for United States forces involved, and establish criteria governing the operational employment of such United States forces.

"(c) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (b) shall not apply in the case of a proposed placement of any element of the Armed Forces under such command or operational control if the President, not less than 15 days before the date on which such command or operational control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (e).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (e) 15 days before placing any element of the Armed Forces under such com-

mand or operational control, the President may place such forces under such command or operational control and meet the requirements of subsection (e) in a timely manner, but in no event later than 48 hours after such command or operational control becomes effective.

"(d) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (b) shall not apply in the case of a proposed placement of any element of the Armed Forces under such command or operational control if the Congress specifically authorizes by law that particular placement of United States forces under such command or operational control.

"(e) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (c)(1) are that the President submit to Congress the following:

"(1) Certification by the President that—

"(A) such a command or operational control arrangement is necessary to protect national security interests of the United States;

"(B) the commander of any unit of the Armed Forces proposed for placement under the command or operational control of a foreign national acting directly on behalf of the United Nations will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

"(C) any element of the Armed Forces proposed for placement under the command or operational control of a foreign national acting directly on behalf of the United Nations will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

"(D) the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

"(A) A description of the national security interests that require the placement of United States forces under the command or operational control of a foreign national acting directly on behalf of the United Nations.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under the command or operational control of a foreign national.

"(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(G) The extent to which the United States forces involved will rely on non-United

States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

"(H) The timetable for complete withdrawal of the United States forces involved.

"(f) CLASSIFICATION OF REPORT.—A report under subsection (e) shall be submitted in unclassified form and, if necessary, in classified form.

"(g) INTERPRETATION.—Except as authorized in section 7 of this Act, nothing contained in this Act shall be construed as an authorization to the President by the Congress to make available to the Security Council United States Armed Forces, facilities, or assistance.".

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 6(e)(1) of the United Nations Participation Act of 1945, as amended by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 6 of the United Nations Participation Act of 1945, as amended by subsection (a), does not apply in the case of activities of the Armed Forces in Macedonia authorized pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions, and in the case of activities of the Armed Forces in Croatia authorized pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions, as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR).

TITLE V—UNITED NATIONS

SEC. 501. CREDIT AGAINST ASSESSMENT FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

"(1) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of peacekeeping operations for a fiscal year only to the extent that—

"(A) the amount of such assessed share exceeds—

"(B) the amount equal to—

"(i) the total amount identified in the report submitted pursuant to paragraph (2) for the preceding fiscal year, reduced by

"(ii) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that preceding fiscal year.

"(2) ANNUAL REPORT.—The President shall, at the time of submission of the budget to the Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall in-

clude a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

"(3) DEFINITIONS.—For purposes of this subsection:

"(A) UNITED NATIONS PEACEKEEPING ACTIVITIES.—The term 'United Nations peacekeeping activities' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations, except that such term does not include any such activity authorized under chapter VII of such Charter with respect to which the President has certified to the Congress that the activity is of such importance to the national security of the United States that the United States would undertake the activity unilaterally if it were not authorized by the United Nations Security Council.

"(B) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' includes the Committee on Na-

tional Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) EFFECTIVE DATE.—The limitation contained in section 10(a)(1) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

SEC. 502. CODIFICATION OF REQUIRED NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) REQUIRED NOTICE.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) a new subsection (e) consisting of the text of subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), revised—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "in written form not later than the 10th day of" after "shall be provided";

(ii) in subparagraph (A)(iv), by inserting "(including facilities, training, transportation, communication, intelligence, and logistical support)" after "covered by the resolution"; and

(iii) in subparagraph (B), by adding at the end the following new clause:

"(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, intelligence, and logistical support), and an estimate of the cost to the United States of such assistance or support.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3) and in the last sentence of that paragraph by striking "and (ii)" and inserting "through (iv)";

(D) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2) (B) and (3), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate."; and

(E) in paragraph (5)—

(i) by striking "(5) NOTIFICATION" and all that follows through "(B) The President" and inserting "(5) QUARTERLY REPORTS.—The President"; and

(ii) by striking "section 4(d)" and all that follows through "of this section)" and inserting "subsection (d)".

(b) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), is repealed.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—Subsection (f) of section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b(f)), as redesignated by subsection (a), is amended to read as follows:

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term "designated congressional committees" has the meaning given such term in section 10(f).".

SEC. 503. NOTICE TO CONGRESS REGARDING UNITED STATES CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (a), as added by section 501, the following new subsection:

"(b) NOTICE TO CONGRESS REGARDING CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.—

"(1) NOTICE REGARDING UNITED NATIONS BILLING REQUEST.—Not later than 15 days after the date on which the United States receives from the United Nations a billing requesting a payment by the United States of any contribution for United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

"(2) NOTICE REGARDING PROPOSED OBLIGATION OF FUNDS.—The President shall notify the

designated congressional committees at least 15 days before the United States obligates funds for any assessed or voluntary contribution for United Nations peacekeeping activities, except that if the President determines that an emergency exists which prevents compliance with the requirement that such notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such obligation.".

SEC. 504. REVISED NOTICE TO CONGRESS REGARDING UNITED STATES ASSISTANCE FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d–1) is amended—

(1) in subsection (a), by inserting "other than subsection (e)(1)" after "any other law"; and

(2) by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraphs (2) and (3), at least 15 days before any agency or entity of the United States Government makes available to the United Nations any assistance or facility to support or facilitate United

Nations peacekeeping activities, the President shall so notify the designated congressional committees.

"(2) Paragraph (1) does not apply to—

"(A) assistance having a value of less than $1,000,000 in the case of nonreimbursable assistance or less than $5,000,000 in the case of reimbursable assistance; or

"(B) assistance provided under the emergency drawdown authority contained in sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1), 2348a(c)(2)).

"(3) If the President determines that an emergency exists which prevents compliance with the requirement in paragraph (1) that notification be provided 15 days in advance and that the contribution of any such assistance or facility is in the national security interests of the United States, such notification shall be provided in a timely manner but not later than 48 hours after such assistance or facility is made available to the United Nations.

"(4) For purposes of this subsection, the term 'assistance'—

"(A) means assistance of any kind, including logistical support, supplies, goods, or services (including command, control, communications or intel-

ligence assistance and training), and the grant of rights of passage; and

"(B) includes assistance provided through in-kind contributions or through the provision of support, supplies, goods, or services on any terms, including on a grant, lease, loan, or reimbursable basis; but

"(C) does not include the payment of assessed or voluntary contributions.".

SEC. 505. UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 4(d)(1) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(d)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of—

"(i) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made

available for United Nations peacekeeping activities; and

"(ii) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.".

SEC. 506. REIMBURSEMENT TO THE UNITED STATES FOR IN-KIND CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d–1), as amended by section 504, is further amended—

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by striking "United States: *Provided,*" through "*Provided further,* That when" and inserting "United States. When"; and

(C) by adding at the end the following:

"(2) The Secretary of Defense may waive the requirement for reimbursement under paragraph (1) if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver

of that requirement. Any such waiver shall be submitted to the designated congressional committees, as defined in section 10(a)(3)(B), at least 15 days before it takes effect, except that if the President determines that an emergency exists which prevents compliance with the requirement that the notification be provided 15 days in advance and that the provision under subsection (a)(1) or (a)(2) of personnel or assistance on a nonreimbursable basis is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such waiver takes effect."; and

(2) by adding at the end the following new subsection:

"(f) The Secretary of State shall ensure that goods and services provided on a reimbursable basis by the Department of Defense to the United Nations for United Nations peacekeeping operations under this section or any other provision of law are reimbursed at the appropriate value, as determined by the Secretary of Defense.".

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Representative of the United States to the United Nations shall submit to the designated congressional committees a report on all actions taken by the

United States mission to the United Nations to achieve the objective described in section 7(f) of the United Nations Participation Act of 1945, as added by subsection (a)(2).

(2) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "designated congressional committees" has the meaning given such term in section 10(a)(3)(B) of the United Nations Participation Act of 1945, as added by section 501.

SEC. 507. PROHIBITION ON USE OF FUNDS TO PAY UNITED STATES ASSESSED OR VOLUNTARY CONTRIBUTION FOR UNITED NATIONS PEACEKEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE REIMBURSED BY UNITED NATIONS FOR CERTAIN GOODS AND SERVICES.

(a) IN GENERAL.—Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (b), as added by section 503, the following new subsection:

"(c) PROHIBITION ON USE OF FUNDS TO PAY ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE REIMBURSED FOR CERTAIN GOODS AND SERVICES.—Appropriated funds may not be used to pay any United

States assessed or voluntary contribution during any fiscal year for United Nations peacekeeping activities until the Secretary of Defense certifies to the Congress that the United Nations has reimbursed the Department of Defense directly for all goods and services that were provided to the United Nations by the Department of Defense on a reimbursable basis during the preceding fiscal year for United Nations peacekeeping activities, including personnel and assistance provided under section 7 (except to the extent that the authority of subsection (b)(2) of such section to waive the reimbursement requirement was exercised with respect to such personnel or assistance).".

(b) EFFECTIVE DATE.—The prohibition contained in section 10(c) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to fiscal years after fiscal year 1995.

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 401 of this Act, the following new section:

"§ 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—No funds available to the Department of Defense shall be available for payment of any United States assessed or voluntary contribution for United Nations peacekeeping activities.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATION IN PEACEKEEPING ACTIVITIES.—Funds available to the Department of Defense may be used for payment of the incremental costs associated with the participation of elements of the armed forces in United Nations peacekeeping activities only to the extent that Congress has by law specifically authorized the use of those funds for such purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.".

(b) EFFECTIVE DATE.—Section 406 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995.

SEC. 509. CODIFICATION OF LIMITATION ON AMOUNT OF UNITED STATES ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (c), as added by section 507, the following new subsection:

"(d) LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.".

(b) EFFECTIVE DATE.—The limitation contained in section 10(d) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to funds authorized to be appropriated for "Con-

tributions for International Peacekeeping Activities" for fiscal years after fiscal year 1995.

(c) CONFORMING AMENDMENT.—Section 404(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking paragraph (2).

SEC. 510. BUY AMERICAN REQUIREMENT.

Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (d), as added by section 509, the following new subsections:

"(e) BUY AMERICAN REQUIREMENT.—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the designated congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term 'designated congressional committees' means—

"(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

SEC. 511. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

"SEC. 11. (a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

"(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

"(3) The Inspector General is authorized to—

"(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

"(B) have access to all records, documents, and other available materials relating to those programs and operations;

"(C) have direct and prompt access to any official of the United Nations; and

"(D) have access to all records and officials of the specialized agencies of the United Nations.

"(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

"(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual

report and has ensured that the annual report and all other reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations has provided, and is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General."

(b) EFFECTIVE DATE.—Section 11 of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to fiscal years after fiscal year 1995.

SEC. 512. CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

"SEC. 12. (a) CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.—

"(1) REQUIREMENT FOR AGREEMENT.—The United States may provide intelligence to the United Nations only pursuant to a written agreement between the President and the Secretary General of the United Nations.

"(2) CONTENT OF AGREEMENT.—Any such agreement shall specify—

"(A) the types of intelligence to be provided to the United Nations;

"(B) the circumstances under which intelligence may be provided to the United Nations; and

"(C) the procedures to be observed by the United Nations—

"(i) concerning persons who shall have access to the intelligence provided; and

"(ii) to protect the intelligence against disclosure not authorized by the agreement.

"(3) DURATION OF AGREEMENT.—Any such agreement shall be effective for a period not to exceed one year from the date on which the agreement enters into force.

"(b) ADVANCE NOTIFICATION TO CONGRESS.—An agreement described in subsection (a) shall be effective only if the President has transmitted the agreement to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Foreign Relations

and the Select Committee on Intelligence of the Senate not less than 30 days in advance of the entry into force of the agreement.

"(c) DELEGATION OF AUTHORITY.—The President may delegate the authority and assign the duties of the President under this section only to the Secretary of Defense or the Director of Central Intelligence.

"(d) EXCEPTIONS.—Subsection (a) shall not apply to the provision of intelligence—

"(1) that is provided only to, and for the use of, United States Government personnel serving with the United Nations; or

"(2) that is essential for the protection of nationals of the United States, including members of the United States Armed Forces and civilian personnel of the United States Government.

"(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

"(2) supersede or otherwise affect the provisions of—

"(A) title V of the National Security Act of 1947 (50 U.S.C. 413–415); or

"(B) section 112b of title 1, United States Code.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

TITLE VI—EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the "NATO Expansion Act of 1995".

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has helped to guarantee the security, freedom, and prosperity of the United States and its partners in the alliance.

(2) NATO has expanded its membership on three different occasions since its founding in 1949.

(3) The steadfast and sustained commitment of the member countries of NATO to mutual defense

against the threat of communist domination played a significant role in precipitating the collapse of the Iron Curtain and the demise of the Soviet Union.

(4) Although new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and its NATO allies.

(5) Western interests must be protected on a cooperative basis without an undue burden falling upon the United States.

(6) NATO is the only multilateral organization that is capable of conducting effective military operations to protect Western interests.

(7) The valuable experience gained from ongoing military cooperation within NATO was critical to the success of joint military operations in the 1991 liberation of Kuwait.

(8) NATO is an important diplomatic forum for discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) Admission of Central and East European countries that have recently been freed from Communist domination to NATO could contribute to international peace and enhance the security of those countries.

(10) By joining the Partnership for Peace, a number of countries, including the Czech Republic, Hungary, Poland Slovakia, the Baltic States (Estonia, Latvia, and Lithuania), and Ukraine, have expressed interest in NATO membership.

(11) In recognition of this interest, the Partnership for Peace proposal offers limited military cooperation to many European countries not currently members of NATO, but does not establish benchmarks or guidelines for eventual NATO membership.

(12) In particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, police, and intelligence services, and the rule of law since the fall of their previous Communist governments.

SEC. 603. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to continue the Nation's commitment to an active leadership role in NATO;

(2) to join with the Nation's NATO allies to redefine the role of the alliance in the post-Cold War world, taking into account—

(A) the fundamentally changed security environment of Central and Eastern Europe;

(B) the need to assure all countries of the defensive nature of the alliance and the desire of its members to work cooperatively with all former adversaries;

(C) the emerging security threats posed by the proliferation of nuclear, chemical, and biological weapons of mass destruction and the means to deliver them;

(D) the continuing challenges to the interests of all NATO member countries posed by unstable and undemocratic regimes harboring hostile intentions; and

(E) the dependence of the global economy on a stable energy supply and the free flow of commerce;

(3) to affirm that NATO military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests;

(4) to expeditiously pursue joint cooperation agreements for the acquisition of essential systems

to significantly increase the crisis management capability of NATO;

(5) that Poland, Hungary, the Czech Republic, and Slovakia should be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area not later than January 10, 1999 (5 years from the date of the establishment of the Partnership for Peace), and, in accordance with Article 10 of such Treaty, should be invited to become full NATO members not later than that date, provided these countries—

(A) meet appropriate standards, including—

(i) shared values and interests;

(ii) democratic governments;

(iii) free market economies;

(iv) civilian control of the military, of the police, and of the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final

Act and other declarations by the members of the Organization on Security and Cooperation in Europe;

(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

(vii) commitment and ability to accept the obligations, responsibilities, and costs of NATO membership; and

(viii) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(6) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of Poland, Hungary, the Czech Republic, and Slovakia to full NATO membership not later than January 10, 1999; and

(7) that other European countries emerging from communist domination, including the Baltic States (Estonia, Latvia, and Lithuania) and

Ukraine, may be in a position at a future date to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, and at the appropriate time they should receive assistance to facilitate their transition to full NATO membership and should be invited to become full NATO members.

SEC. 604. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist in the transition to full NATO membership of Poland, Hungary, the Czech Republic, and Slovakia and any other European country emerging from communist domination that is designated by the President under subsection (d)(2).".

(b) ELIGIBLE COUNTRIES.—

(1) DESIGNATED COUNTRIES.—Subsection (d) of such section is amended to read as follows:

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

"(1) SPECIFIED COUNTRIES.—The following countries are hereby designated for purposes of this

title: Poland, Hungary, the Czech Republic, and Slovakia.

"(2) AUTHORITY FOR PRESIDENT TO DESIGNATE OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate other European countries emerging from communist domination (as defined in section 206) to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

"(iv) civilian control of the military, of the police, and of the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

"(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization on Security and Cooperation in Europe;

"(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(vii) commitment and ability to accept the obligations, responsibilities, and costs of NATO membership; and

"(viii) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

"(B) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of such section are amended by striking "countries described in

such subsection" and inserting "countries designated under subsection (d)".

(B) Subsection (e) of such section is amended—

(i) by striking "subsection (d)" and inserting "subsection (d)(2)"; and

(ii) by inserting "(22 U.S.C. 2394)" before the period at the end.

(C) Section 204(c) of such Act is amended by striking "any other" and inserting "any country designated under section 203(d)(2)".

(c) TYPES OF ASSISTANCE.—

(1) ECONOMIC SUPPORT ASSISTANCE.—Subsection (c) of section 203 of such Act is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).".

(2) ADDITIONAL ASSISTANCE.—

(A) IN GENERAL.—Subsection (f) of such section is amended to read as follows:

"(f) ADDITIONAL ASSISTANCE.—In carrying out the program established under subsection (a), the President may, in addition to the security assistance authorized to be provided under subsection (c), provide assistance to countries designated under subsection (d) from funds appropriated under the 'Nonproliferation and Disarmament Fund' account.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) does not apply with respect to funds appropriated before the date of the enactment of this Act.

(d) DISQUALIFICATION FROM ASSISTANCE FOR SUPPORT OF TERRORISM.—Section 203 of such Act is further amended by adding at the end the following new subsection:

"(g) PROHIBITION ON PROVIDING ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—Assistance may only be provided through the program established under subsection (a) subject to the same terms and conditions that apply under section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306), with respect to the making available to

foreign governments of funds appropriated or otherwise made available under that Act.".

(e) ANNUAL REPORT.—Section 205 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended—

(1) by inserting "ANNUAL" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1); and

(3) in paragraphs (1) and (2), by striking "and other" and all that follows through the period at the end and inserting "and any country designated by the President pursuant to section 203(d)(2).".

(f) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

"SEC. 206. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'other European countries emerging from communist domi-

nation' means any full and active participant in the Partnership for Peace that—

"(A) is located—

"(i) in the territory of the former Union of Soviet Socialist Republics; or

"(ii) in the territory of the former Socialist Federal Republic of Yugoslavia; or

"(B) is among the following countries: Estonia, Latvia, Lithuania, Romania, Bulgaria, or Albania.

"(3) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.".

TITLE VII—BUDGET FIREWALLS

SEC. 701. RESTORATION OF BUDGET FIREWALLS FOR DEFENSE SPENDING.

It is the sense of the Congress that so-called "budget firewalls" between defense and domestic discretionary spending should be established for each of fiscal years 1996, 1997, and 1998.

Dr. Jeane J. Kirkpatrick

Former U.S. Ambassador to the United Nations
Leavey Professor, **Georgetown University**
Senior Fellow, **American Enterprise Institute**

After more than four years as the United States Representative to the United Nations and member of the Cabinet, the first woman to serve in that office, Jeane J. Kirkpatrick resumed her position as Leavey Professor at Georgetown University and as Senior Fellow at the American Enterprise Institute (AEI). She also served as a member of the President's Foreign Intelligence Advisory Board (PFIAD) (1985 to 1990) and the Defense Policy Review Board (1985 to 1993), and chaired the Commission on Fail Safe and Risk Reduction of the nuclear command and control system (1992).

In addition to her responsibilities at Georgetown and AEI, Dr. Kirkpatrick is writing a book on the U.S. in the U.N. and in the world. She writes a syndicated column and lectures throughout the country thus participating in the ongoing public dialogue on America's role in the world.

A prolific writer, her recent books include: *The Withering Away of the Totalitarian State; Legitimacy and Force: National and International Dimensions; The Reagan Phenomenon; Dismantling the Parties: Reflections on Party Reform and Party Decomposition; The New Presidential Elite; Political Woman* and *Leader and Vanguard in Mass Society: A Study of Peronist Argentina.*

Dr. Kirkpatrick was awarded the *Medal of Freedom* -- the nation's highest civilian honor -- in May 1985 and received her second Department of Defense Distinguished Public Service Medal -- the highest civilian honor in the Department of Defense -- in December 1992. She was awarded the French Prize Politique for political courage. She has received the award of the Commonwealth Fund, the Gold Medal of the Veterans of Foreign Wars, the Hubert H. Humphrey Award of the American Political Science Association, the Christian A. Herter Award of the Boston World Affairs Association, the Morgenthau Award of American Council on Foreign Policy, the Humanitarian Award of B'nai B'rith and the Defender of Jerusalem Award and many other honors.

A noted academic, Dr. Kirkpatrick received an A.B. from Barnard College, M.A. and Ph.D. degrees from Columbia University, and has been awarded honorary degrees from a number of universities.

She is married to Dr. Evron Kirkpatrick and has three grown sons.

THE AMERICAN INTEREST IN EFFECTIVE UN PEACEKEEPING

Testimony before the

Committee on International Relations

House of Representatives

United States Congress

Barry M. Blechman

Chairman

The Henry L. Stimson Center

Washington, D.C.

January 24, 1995

THE AMERICAN INTEREST IN EFFECTIVE UN PEACEKEEPING

Mr. Chairman, members of the committee. I greatly appreciate your invitation to comment on the proposals to "Revitalize the national security of the United States."

I have to tell you that I was rather surprised to read House Resolution 7 and to learn that these proposals focus so intensely on the United Nations. In fact, thirty-five of the Resolution's sixty-seven pages, more than one-half the text, are devoted to the UN. NATO, on the other hand, the nation's premier military alliance, receives only thirteen pages. Missile defenses get only a page and a half. Issues like US policy toward Russia, the role of nuclear weapons, the proliferation of chemical and biological weapons, and the looming security crisis in East Asia are not mentioned at all. I would hope that over time the Committee could re-establish a more balanced view of priorities in national security policy.

Mr. Chairman, over the past fifty years US military forces have served the nation's security interests extraordinarily well. They have fought in major and minor wars to defeat the enemies of this country and to defend nations and governments in which the United States perceived strategic interests. They have carried out dozens of smaller military actions to defend Americans and their interests abroad and to punish, or even unseat, foes of this country. They have carried out hundreds of operations intended to support US diplomacy -- giving weight to the promises and threats of US political leaders. By their very existence, the armed forces contribute to a certain image of America in the world, making this nation a power to be reckoned with in every part of the globe.

US military forces also have helped to arm and train military establishments in scores of friendly countries, enabling governments in which the United States had a strategic interest to defend themselves without requiring the placement of American lives at risk. They have established and maintained close working relations with the military forces of the United States' allies, contributing to the unprecedented closeness of contemporary relations among Asian, European and Western Hemisphere democracies, and between the United States and other selected nations.

US military forces have carried out civic projects in more than sixty-five nations, providing basic governmental services to hundreds of thousands, perhaps millions, of people in developing regions. They have responded promptly to countless disasters, making available food, shelter, and medical care. They have aided US policy and served US interests in countless other small ways,

from providing advanced medical care to foreign dignitaries friendly to this nation, to facilitating special events.

Throughout this period, the US armed forces have also served American national interests by contributing to the peace operations of the United Nations. US forces have taken the lead in the UN's major peace enforcement operations, of course, notably in Korea and Kuwait. In recent years, the US has also initiated the practice of carrying out combat activities in support, but outside, of UN peace operations, such as the naval and air forces used to enforce "no-fly" zones in Iraq and Bosnia. The US has traditionally played a more modest role in supporting UN peacekeeping operations, providing airlift and sealift, military observers, staff support, and, in a few instances, specialized equipment -- but generally avoiding the deployment of US combat forces. Still, the US contributions have been vital for the UN and, together with US financial support, have made possible the positive contributions which the United Nations has made to more stable and peaceful relations in many parts of the world.

Mr. Chairman, in discussing the United Nations and US national security, we must be constantly aware of two overriding principles. First, because of the US veto on the Security Council and the reality of US power within the UN organization, the UN can not undertake any peace operation of which the US does not approve. Second, with the exception of financial assessments, the United Nations can make no claim, none, on the resources of the United States or any other member-state. Any forces contributed to peace operations, any military support contributed to the Organization, are provided on a strictly voluntary basis. Neither the Secretary-General, the General Assembly, nor the Security Council can demand that a single US soldier participate in a peace operation, even those we urge on the world body.

I stress these elementary principles, Mr. Chairman, and risk trying your patience, only because so much of the debate on this subject seems to be uninformed by these basic truths. If the US has participated in peace operations in the past, it has done so because American presidents -- Democrat and Republican -- have believed it to be in the American interest to do so. They have believed, as I do, that the community of nations, acting through the United Nations, could help to advance American national interests by mounting effective peace operations.

What national interests are served by effective UN peace operations?

To answer this question, Mr. Chairman, we must first recognize that international conflicts, even in remote regions, impose serious costs on the United States and on American citizens. While the costs of intervening in foreign conflicts are always clear, the costs of failing to act are often less visible.

Foreign conflicts adversely affect American economic interests. International peace and stability are the hand-maidens of economic prosperity. When nations descend into conflict, economic growth declines, trade ceases, and investments are placed at risk. American consumers are denied access to goods, American companies and workers are denied markets, American investors see their capital jeopardized.

Similarly, other types of pursuits of ordinary Americans are placed at risk. Tourism is curtailed, communications halted, social and cultural exchanges made costly and risky. One by one these losses may be trivial, but together they add up to weighty penalties. Free access for Americans to the regions of the world has always been considered a significant interest of the United States.

At the same time, foreign conflicts impose social, economic, and political costs directly on the United States and other countries due to refugee flows. In the 1980s, public institutions and local governments in many parts of the United States experienced serious burdens resulting from conflicts in Central America. In the 1990s, we have seen similar effects resulting from the situations in Cuba and Haiti, among other nations.

Over the longer term, the adverse consequences of foreign conflicts can multiply. In Africa, we have witnessed the steady deterioration of conditions in most parts of the continent. As larger regions are drawn into conflict and anarchy, the adverse economic and social effects are magnified, threatening serious economic disruption and even the possibility of shortages in critical resources. In Europe and Asia, moreover, conflicts have the potential to complicate relations among the great powers, interrupting favorable trends toward demilitarization and peace among advanced nations.

Importantly, in all parts of the globe, local conflicts complicate efforts to limit the proliferation of weapons of mass destruction, increasing the possibility over the long term of extraordinary direct threats to US national interests.

The moral dimension is not to be ignored either. The desire to strengthen the UN's ability to keep the peace, a goal of both Republican and Democratic administrations in recent years, is neither a fad nor a plot foisted on Americans by the media. It reflects values held dearly by most people in this country. When Americans call for action to aid starving Somalis or brutalized Bosnians they are acting in the finest traditions of American policies. This nation has always believed in, and acted on, humanitarian values. To deny them is to deny the most basic American impulses.

This is not to say, obviously, that the US can or should act

in all cases of foreign need. Only that in determining which conflicts deserve American attention, we must consider the tangible and intangible costs of not intervening, as well as the potential costs and risks of the operation itself.

Operating through the United Nations permits the United States to reduce the cost of intervening significantly. A policy which aims to strengthen the United Nations' ability to contain and resolve international conflicts serves vital American interests without requiring that the US act alone as the world's policeman. The US may now pay one-third the cost of UN peace operations -- a figure which should be reduced -- but one-third is still far less than the cost we would have to pay if we tried to do the job alone.

Moreover, in many parts of the world, intervention through the United Nations is the only feasible way to go. UN action legitimates interventions in the eyes of many nations and factions, encouraging other states to participate and often avoiding armed opposition. As the situations in Bosnia and Somalia have made us painfully aware, this is not always the case, but these are the exceptions rather than the rule.

Mr. Chairman, in my view, the provisions pertaining to the United Nations in H.R. 7 constitute nothing less than an all-out assault against the possibility of an effective UN capability for peace operations and, thereby, against the US national interest in the strengthening of such capabilities. If the United States takes such a strong stand against participating in multinational UN commands, even in principle, as is suggested by Title IV, it is hard to imagine why other major powers would participate, dooming the potential to develop more effective UN operations. While I am not a lawyer, Mr. Chairman, I would think that a case could be made that the provisions of Title IV would compel the withdrawal of even US forces from Korea, which is a UN command now led by a foreign general, unless the President issued the required certifications.

Even more harmful, however, given the only limited participation of US forces as part of UN peace operations already, would be Title V, which requires that the UN reimburse the US for all contributions to UN peace operations -- whether made as part of that operation or separately, in support of the operation, such as the contingency forces now backing up the UN's withdrawal from Somalia. These sums are so large as compared to the typical cost of UN operations that the Resolution would either deny the UN any US financial contribution all together, or make it impossible for the US to provide military support to the UN outside of the missions themselves. In either case, it would then be impossible for the UN to carry out any but the most trivial operations.

In my opinion, the Congress should be working with the Executive Branch, in the national interest, to improve the UN's capability to carry out peace operations, not seeking to destroy

whatever capability now exists, as H.R. 7 would do.

Mr. Chairman, I was privileged last year to participate in a bipartisan working group co-chaired by Senator Nancy Kassebaum and the ranking minority member of this committee, Representative Lee Hamilton, which examined the role of UN peace operations in US national security policy. The group included legislators, experienced executive branch officials, such as Ambassador Ronald Spiers and Governor Richard Thornburgh, retired military officers, and private experts. After considerable debate, the working group concluded that UN peace operations could protect and advance US national security interests.

"...If a higher level of proficiency in the UN's capabilities for peacekeeping and peace enforcement could be achieved," the group stated, "it would provide a third route for achieving the interest in a more peaceful world which the United States shares with other states -- an additional avenue of choice between complete inaction and action taken unilaterally or in coalition with allies."

Working in this constructive context, the working group then asked how the United States and the United Nations could conduct peace operations more effectively, and outlined a three-point plan toward this end.

First, the Kassebaum/Hamilton working group recommended major reforms in the UN system. Because of the paralysis of the Cold War, the United Nations was permitted to languish for its first 50 years, developing in the process sloppy management habits and a culture of inaction. Major improvements in UN organization and procedures are essential for the world body to become effective in its peace mission, and for the United States and other member nations to gain renewed confidence in its potential.

As stressed in H.R. 7, creation of an independent inspector general's office at the under-secretary-general-level is prerequisite for effective UN reform. But satisfaction of this demand should be only the first step. Other necessary measures, not mentioned in H.R. 7, include:

- The appointment of a deputy secretary general to manage the organization,
- Sizable reductions in the number of under- and assistant-secretary generals, with greater accountability for each of those remaining for a clear set of responsibilities, and
- Greater professionalism in the UN's personnel system, along with curtailment of the national prerogatives that have made it dysfunctional to date.

Another reform issue of concern is funding. The Kassebaum/Hamilton group recommended that peacekeeping costs be integrated into a single budget, that funds be provided for the costs of supporting UN operations with adequate logistics, command and control, training, and other indirect expenses, and that means be found to make some funds available to the Secretary General as soon as a new peace operation is approved by the Security Council.

The US share of peacekeeping costs is another issue. The Kassebaum/Hamilton group, like so many others, urged that the US share of peacekeeping costs be reduced to its regular budgetary share of 25 percent.

Secondly, the Kassebaum/Hamilton group addressed the question of US participation in UN peace operations. The United States can uniquely, and should, supply airlift, certain kinds of logistical units, and various types of technical teams to UN missions. With the world's most advanced military, we can also help to develop and provide specialized equipment that could reduce the risk to UN peacekeepers, to upgrade the UN's command, control, and communications system, and to train military units from poorer countries in the special requirements of peacekeeping and in UN procedures.

But the United States must also be prepared to contribute combat forces to UN peace missions when its interests are clearly engaged. The Kassebaum/Hamilton group shared the concerns about command and control arrangements in UN operations discussed at length in H.R. 7.

There is no perfect means of resolving the conflict between the military desirability of unity of command and the political necessity of maintaining national command of national contingents, but there is a "workable" solution with a long history of successful implementation. The Kassebaum/Hamilton report in effect suggested splitting "command" from "control." The UN commander, who might be a foreign national, would be charged with strategic direction of the mission. He or she would provide orders to national unit commanders to accomplish specific tasks in accordance with the Security Council mandate. Units' national commanders, however, US officers in the case of US units, would determine the operational details needed to complete the assigned tasks and direct their forces. At no time would foreign commanders have authority to discipline, hire, fire, or promote US personnel. This is essentially the same approach taken in NATO. While less than ideal militarily, it provides the national operational control required politically, while making possible the overall unity of strategic command desirable on military grounds.

Finally, the Kassebaum/Hamilton group considered the role of Congress in peace operations, as does H.R. 7. Close consultations between the Executive Branch and the Congress are essential in our

system of government for the success of virtually any policy initiative. Given that the approval of each new UN peace operation implicitly generates a bill to the US Congress for the American share of the cost, it seems only sensible for the Executive Branch to consult with the Congress before approving new missions. A failure to do so in the past generated considerable resentment in the legislature and undermined the political basis for a successful peacekeeping policy.

When the US is contemplating involving US forces in a peacekeeping mission, particularly one in which there is significant risk of hostilities, the need for consultations is acute. Indeed, most members of the Kassebaum/Hamilton group thought that in such circumstances the Executive Branch should go beyond consultations and seek affirmative action by the Congress. In their view, such a step would ease any doubts about the strength of the US commitment and greatly aid the sustainability of American policy. The group was divided about whether such a requirement should be written into law, however, with a significant minority stating that the decision on whether or not to seek affirmative congressional action should be left up to the President, to be decided on a case-by-case basis, lest his authority as commander-in-chief of the armed forces be dangerously compromised.

The changes in the UN Participation Act proposed in H.R. 7 go well beyond what the Kassebaum/Hamilton group thought was necessary, and, in my personal view, would establish dangerous, and possibly unconstitutional precedents for involvement of the legislature in the conduct of US foreign policy.

In conclusion, Mr. Chairman, I would note that no major reforms in UN peace operations can take place without a sustained and high-level political initiative by the United States. The Kassebaum/Hamilton report provides the basis for a balanced and effective approach to improving, rather than destroying, UN peacekeeping and the role played by the United States in it. With your permission, I will append a copy of the report to my written testimony.

That concludes my statement. I look forward to your questions.

BARRY M. BLECHMAN

Barry Blechman is chairman of the Henry L. Stimson Center, a non-profit research organization in Washington, D.C.

A New York City native, Blechman graduated from Queens College in 1963 and received a masters degree from New York University one year later. After moving to Washington, he worked for the U.S. Army and enrolled at Georgetown University, completing a Ph.D. in international relations in 1971. Blechman joined the staff of the Center for Naval Analyses, a government- sponsored research organization, in 1966, remaining there until becoming affiliated with the Brookings Institution in 1971. Among other responsibilities, he was head of Brookings' defense analysis staff and co-author of its annual analysis of the federal budget, *Setting National Priorities*.

In 1976, Barry Blechman served on the Carter/Mondale transition planning staff at the Office of Management and Budget. The next year, he was nominated by the President and confirmed by the Senate as assistant director of the U.S. Arms Control and Disarmament Agency. Among other assignments, he served as deputy chairman of the U.S. delegation for negotiations on arms transfers and as head of the Agency's policy planning staff. After leaving the government, Blechman was affiliated with several Washington "think-tanks" before founding his own organization, DFI International, in 1984. Five years later, he and Michael Krepon established the Henry L. Stimson Center.

Blechman's published works on defense issues include the widely-respected study of politico-military operations, *Force Without War*, as well as *U.S. Security in the Twenty-first Century*, *The Politics of National Defense*, and, most recently, *The American Military in the Twenty-first Century*. He has served as a consultant to the Department of Defense, several congressional committees, the Rockefeller and Ford Foundations, and many private organizations, and has taught at The Johns Hopkins University, Georgetown University, and the University of Michigan. At various times, Blechman has been affiliated with the Carnegie Endowment, the Center for Strategic and International Studies, the Johns Hopkins University Foreign Policy Institute, and the Roosevelt Center. He is a member of the Council on Foreign Relations, International Institute for Strategic Studies, and the US Handball Association.

Barry Blechman lives with his wife and daughter in Gettysburg, PA.

THE HENRY L. STIMSON CENTER

Peacekeeping and the US National Interest

Report of the Working Group on

Peacekeeping and the US National Interest

Co-Chairs

Senator Nancy L. Kassebaum and Representative Lee H. Hamilton

Report No. 11 February 1994

Pragmatic steps toward ideal objectives

Foreword

The dramatic world events of the past few years—the liberation of Eastern Europe, the unification of Germany, and the dissolution of the Soviet Union—were thought to herald a new time of peace. But while the end of the Cold War removed the clear threat to US security posed by Soviet armed forces, it opened the door to new problems and new types of conflicts whose implications for US interests may be no less serious. Ethnic and religious strife within nations, disputes among new states emerging from old dictatorships, and humanitarian crises of horrifying proportions have become commonplace in several parts of the globe.

Each of these conflicts has the capacity to harm US interests:

- Most disrupt economic activities, including the business of American companies, traders, and investors.
- Some of these conflicts aggravate concerns about the proliferation of weapons of mass destruction; a few raise nightmarish possibilities of nuclear or chemical weapons falling into irresponsible hands.
- In some cases, a conflict in one country can destabilize neighboring states by creating floods of refugees, as is happening in Africa and Central Asia. Under certain circumstances, such population movements can result in support for extremist parties in even distant nations, as is happening in Europe.
- Left unchecked, there is a strong possibility that burgeoning international and interstate violence will create broader instabilities in international politics, diverting governments from constructive actions and making international cooperation more difficult. Eventually, if fighting continues and spreads to wider regions, it will lead to a reversal in the global trend toward lower defense spending, diverting resources from economic development and social reconstruction. More states will place greater emphasis on arms, including weapons of mass destruction; the problems of proliferation will worsen and pose grave long-term dangers to American interests.
- All of these conflicts deny our fundamental political interest in a humane world in which there is universal respect for political rights and democratic values. They threaten our most basic human values as we witness the immense suffering inflicted on so many innocent people. They challenge our underlying belief in the possibility of progress for all peoples toward peace and prosperity.

Because of the United States' relative geographic isolation, however, these new types of problems lack immediacy for Americans. The Soviet Union's nuclear-armed missiles threatened the United States directly. The dangers of

these new types of conflicts are more subtle; the threats they pose, more remote. The persistence of these wars makes us uncomfortable. We hope that they will be resolved soon, that the suffering will end, that the world will become more settled. But the immediate significance of these conflicts for US security interests is not readily visible, and the long-term dangers are too distant to galvanize action. As a result,-many Americans doubt that these new kinds of problems should be our concern.

The tragic US experiences in Beirut in 1983 and Mogadishu in 1993 made clear that involvements in these new kinds of wars can be costly to this country. Many Americans and their representatives in Congress questioned whether even a single American life should have been sacrificed for such purposes. As the debate in the media and the Congress which followed the Somali experience made clear, there is no consensus on how to handle these new types of conflicts or even if we, as a nation, should become involved in them at all. Before placing any more Americans in jeopardy, we should be able to see clearly the American interests that are served by their valor. And we should have confidence that steps have been taken to ensure that any future interventions are handled competently and efficiently, with the minimum possible risk to American lives, and the minimum possible cost to the American treasury.

This working group was convened in early 1993 to examine these questions. We include elected representatives, experienced diplomats and military officers, former officials of the United Nations, and private experts. Bringing our diverse expertise and special perspectives to bear on the new international situation confronting the United States, we sought particularly to understand the role which the United Nations could play in containing and resolving the new kinds of interstate and civil conflicts, and whether or not such a role would serve American security interests, as well as those of the international community. In principle, in what ways can UN peace operations help to protect American interests?

Having determined that such a contribution is at least theoretically possible, we then asked how the United Nations, and the United States, could become better prepared to carry out these activities in an effective manner. By taking a hard look at these issues, we hope to contribute to the ongoing debate concerning UN peace operations, advising the Congress and the Executive Branch on means of resolving the issues between them.

In examining the hypothetical role of UN peace operations in US security policy, a few principles were kept clearly in view.

- The UN Charter affirms the inherent rights of all nations to defend themselves, unilaterally and collectively; by implication, the Charter recognizes the right to maintain the national armed forces required for such self-defense. Any enhancement of UN military capabilities for peace operations must be accomplished without in any way casting doubt on these national rights.
- Whatever contributions the United States makes to UN military capabilities should be incremental, that is, they should be added to the unilateral capabilities required by the United States to protect its interests; fulfilling the needs of the UN can not be permitted to degrade the United States' own military preparedness.
- Currently, the United States' veto rights guarantee that the US Government can prevent any UN Security Council action that might harm US national interests. As a permanent member of the Security Council, the United States' negative vote is sufficient to stop any proposed UN enforcement operation, even if every other member of the world body—all 184 of them—are for it. This power must be protected.
- At no time should the United States' participation in a UN peace operation result from anything but the nation's own choice. The United States is now under no legal obligation to participate in any UN operation, even those it votes for or urges on the world body. In approving a Security Council motion to initiate a peace operation, the United States' one obligation is to pay its assessed share of the cost. The power to control US participation in UN actions also must be protected.

Assuming that these principles are maintained, and there is no reason to think that they will not be, we have come to the conclusion that it is in the US interest to work to strengthen the UN's capabilities to carry out peace operations. The United States can be as tough on approving new UN operations as it wants to be, and as selective in deciding whether or not US forces should participate as it wishes to be. But if the UN's capacity for peace operations is improved successfully, it would provide a new security option to the United States, to be used at the US Government's discretion, permitting us to avoid the necessity of choosing between unilateral action and standing by helplessly when international conflict and atrocities occur.

Each of us agrees with this overall conclusion and, except where indicated by footnotes, supports the individual recommendations concerning how the United Nations' capacity for peace operations could be strengthened, and the effectiveness of the United States' contribution improved. We should not, however, be held individually responsible for every specific phrase or nuance of wording.

In closing, we would like to thank the Henry L. Stimson Center for organizing this project, and the Ford Foundation, for providing financial support.

SIGNED,

Senator Nancy L. Kassebaum (co-chair)
Republican of Kansas
Member, Senate Committee on Foreign Relations

Representative Lee H. Hamilton (co-chair)
Democrat of Indiana
Chairman, House Committee on Foreign Affairs

Senator Joseph I. Lieberman
Democrat of Connecticut
Member, Senate Committee on Armed Services

Representative Harold Rogers
Republican of Kentucky
Ranking Minority Member, House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies

Dr. Barry M. Blechman
Chairman, The Henry L. Stimson Center

Ambassador Chester Crocker
Chairman, US Institute of Peace
US Assistant Secretary of State for African Affairs (1981–89)

Mr. John D. Deardourff
Chairman, Bailey, Deardourff, and Associates

Ambassador Donald F. McHenry
University Research Professor of Diplomacy and International Affairs
Georgetown University
US Permanent Representative to the United Nations (1979–81)

Ambassador Rozanne L. Ridgway
Co-Chair, The Atlantic Council
US Assistant Secretary of State for European and Canadian Affairs (1985–89)

Dr. Enid C. B. Schoettle
Senior Fellow and Director, Project on International Organizations and Law
Council on Foreign Relations

Major General John O. B. Sewall (USA, ret.)
Senior Fellow, Institute for National Security Studies
National Defense University

Ambassador Ronald Spiers
Under-Secretary-General for Political and General Assembly Affairs (1989–92)
US Under Secretary of State for Management (1983–89)

Dr. James A. Thomson
President and Chief Executive Officer
RAND

Governor Richard Thornburgh
Counsel to Kirkpatrick & Lockhart
Under-Secretary-General for Administration and Management (1992–93)
US Attorney General (1988–91)

Sir Brian Urquhart
Scholar in Residence, The Ford Foundation
Under-Secretary-General for Special Political Affairs (1974–86)

Washington, D.C. February 1994

Peacekeeping and the US National Interest

As the predominant military, political, and economic power in the world, the United States must retain the capability to protect its own vital interests and also to provide the leadership to ensure that the international community's common interests are well guarded.

The protection of vital US interests requires that the nation maintain effective military capabilities, sufficiently large to deal with all possible direct challenges. Defending American territory, protecting US citizens at home and abroad, combating terrorism, and ensuring certain key economic interests, like access to oil supplies, are all interests for which the United States has demonstrated that it is prepared to act unilaterally. The ability of America to act alone when circumstances warrant must never be compromised.

But the United States must develop other means of protecting its interests, as well. To rely solely on unilateral action to protect US interests in all circumstances would be prohibitively costly and unwise.

In some regions, like Western Europe and East Asia, the United States has been able to forge powerful military alliances with like-minded states and has created effective multilateral security institutions and coalitions of military forces to defend common interests. These alliances—NATO, and bilateral security treaties with Japan, South Korea, and a few other states—are well prepared to act decisively against certain kinds of threats.

With the end of the Cold War, a third *potential* means of protecting American interests has emerged. With the Soviet Union no longer present to veto virtually any initiative that serves American interests, the collective security procedures outlined in the UN Charter, *in principle*, offer another way of defending American interests abroad, particularly in those regions in which the United States traditionally has not had much of a military presence.

The United Nations, of course, will never be a substitute for unilateral US military capabilities or for our traditional security alliances. Moreover, whether or not the United Nations can become capable of fulfilling its potential clearly remains to be seen. The experience over the past few years has been mixed, with a few clear successes, a few outright failures, and many uncertain results. One need only pick up a newspaper to understand that the United Nations has not yet developed reliable and effective means of carrying out peace operations.

This said, it nonetheless remains the case that *if* a higher level of proficiency in the UN's capabilities for peacekeeping and peace enforcement could be achieved, it would provide a third route for achieving the interest in a more peaceful world which the United States shares with other states—an additional avenue of choice between complete inaction and action taken unilaterally or in coalition with allies. Insofar as unilateral or alliance actions are feasible in only a few cases, and desirable in even fewer, the alternative to an effective United Nations is the continuing deterioration of the fabric of

What are Peace Operations?

The short-hand phrase "peace operations" is used in this report to connote a wide range of diplomatic and military actions.

- *Preventive diplomacy* attempts to ease tensions that could lead to conflict; UN Secretary General Boutros Boutros-Ghali's trip to North Korea in December 1993 is an example.
- *Preventive deployments* serve the same purpose, but in these cases the United Nations also dispatches troops in an effort to discourage open hostilities. The current UN operation in Macedonia is a noteworthy instance of preventive deployments.
- *Peace-keeping* involves the traditional activities associated with UN military operations, such as monitoring cease-fires or observing borders after a peace agreement has been reached.
- *Peace-building* is described by the Secretary General as "comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people." The UN operation in Namibia was a successful example of peace-building.
- If pacific methods do not suffice to end hostilities that threaten international peace, however, then the collective security mechanism of Chapter VII of the Charter can be used in what is termed *peace-enforcement*.

Regardless of which specific category they fall into, there has been a crucial change in UN peace operations in recent years. Increasingly, UN diplomats and military forces have been placed in situations in which fulfillment of their mandate has been opposed by one or more parties to a conflict. In the past, due to the Cold War, the United Nations was not able to become involved in situations except in rare circumstances when all parties agreed that the intervention was desirable. As a result of the change in UN peace operations, the United Nations and the military forces assigned to it face more difficult challenges now than they used to. In response, they have been compelled to develop a range of activities that fall somewhere between traditional, cooperative peacekeeping and coercive peace enforcement. The establishment of "safe zones," assistance to civil authorities, and protection of humanitarian relief operations are all examples. Peace operations encompass these tasks and many others that involve a potential for violence.

international relations and, eventually, US involvement in more serious military conflicts.

US military intervention will be called for again and again as the conflicts let loose by the breakdown of the bi-polar international structure of the Cold War sort themselves out. UN peace operations potentially could help to relieve the US of this burden, politically and financially. Through the United Nations, the United States potentially

can harness the resources of many nations in support of common interests, utilizing cooperative multinational action in place of having the US serve as the world's policeman. Moreover, action by the United Nations, if handled properly, can legitimate intervention in the eyes of the world, thereby avoiding the emergence of armed opposition as sometimes follows unilateral or coalition actions.

But the United States must lead within the United Nations to bring about reforms that are long overdue if this potential is to be realized. The United States cannot do the job alone, but neither will the UN change without persistent US prodding and leadership.

This report outlines a series of steps which we believe are necessary to realize the UN's potential to contribute to international security and, thereby, to achieve American security interests. The report is divided into three parts: (1) How to strengthen the United Nations system; (2) The role which the United States should play within that system; and (3) The role which the Congress should play in decisions on UN peace operations.

Implementation of these measures, we believe, would create a more effective and less costly UN collective security system with the potential to make a major contribution to the United States' national interest.

Strengthening the UN System

Empowering the United Nations to carry out peace operations more effectively will not be easy. It is not a supranational organization, but a voluntary collection of sovereign states. Decisions require substantial majorities, and a consensus of the permanent members of the Security Council, and member states are always attentive to domestic constituencies which pull them in different directions. This means that mobilizing sufficient clout behind an effort to launch a peace operation is often a struggle. But when the UN can be mobilized, it puts the support and authority of the entire international community behind the effort to resolve a threat to international peace. It is worth the effort for the United States to try and use its position of leadership to shape the United Nations into a more effective instrument for realizing those US national goals that are shared by the international community.

Radical reforms are obviously necessary in the way the United Nations goes about preparing for, planning, and conducting peace operations. The system now in use is clearly ineffective. While the United Nations has had some striking successes, most recently in Cambodia, the organization has been given more challenging tasks in recent years than it has been able to carry out effectively. The current UN peacekeeping system is a jury-rigged, ad hoc set of procedures, a distant adaptation of the security system envisioned in the UN's Charter made necessary by the paralysis imposed on the United Nations by the Cold War. It is massively inefficient. Neither world peace nor US interests are protected under the current system.

The parameters that once defined UN operations have changed. During the first forty years of UN peacekeeping, from 1947 through 1986, the world organization established only fourteen peacekeeping missions. During the past seven years (1987–93), twenty-one missions have been approved. In 1986, the United Nations had fewer than 10,000 peacekeepers in the field. The 1993 figure exceeded 80,000. The annual cost of

UN peacekeeping in the mid-1980s was less than $400 million; it is more than $3.6 billion today.

In the field, UN missions have been charged with more complex tasks than in the past. It was once unusual for UN peace forces to be given anything but straight-forward observation and force separation missions. Now, the United Nations, among other things, is being requested to disarm hostile factions, provide law and order, establish electoral systems and conduct elections, make possible humanitarian assistance in a secure environment, train police forces and administrators, arrange population exchanges, and monitor governments' respect for human rights.

Moreover, once undertaken in situations in which peacekeepers had to contend only with established governments, contemporary peace operations often now take place in hostile environments featuring multiple armed bands, limited central authority, and a possibility of a high level of violence. During the first forty years of UN peacekeeping approximately 1,100 UN peacekeepers were killed or wounded. Roughly the same number were killed or wounded in the past seven years.

The United Nations is badly overextended. It has been asked to cope with too many problems, too rapidly, with insufficient resources, and without sufficient pressure to reform its archaic procedures. The members of the UN, and especially the permanent members of the Security Council, need to make more hard-headed decisions on when, and when not, to start peace operations. They also need to provide more effective means of conducting them, not only forces in the field, but better early warning capabilities, command and control capabilities, and administrative capabilities. Finally, far more efficient use of the financial and other resources which are made available is required by UN headquarters in New York.

Reforming the United Nations

Inefficiency, mismanagement, poor personnel practices, lack of discipline, and a bureaucratic operational culture that prevents decisive action are serious problems which limit the UN's ability to carry out effective peace operations. The linkage between the UN's organizational and managerial problems and the willingness of nations to commit resources to the organization, particularly their willingness to risk the lives of their citizens, cannot be denied. Any initiative to strengthen the UN's capacity for peace operations must include a concerted effort to root out the organization's management problems and professionalize the UN system overall.

Many instances of mismanagement, poor organization, and abuse of power have been brought before the public. The UN bureaucracy is far too large. The organization has too many departments, many of which duplicate one another's duties. Some departments are overstaffed with unqualified people; others are understaffed and have overworked personnel.

The personnel system causes particular problems. The need to distribute positions in a manner reflective of the organization's national membership means that governments have a strong voice in appointments and promotions at the senior level. Moreover, the UN bureaucracy has a highly developed "old-boy network." Appointments often are based on a system of patronage that rewards personal ties and ignores performance.

Some UN employees see their jobs as sinecures or, worse, as opportunities for self-aggrandizement.

There is absolutely no reason for member states to tolerate an inefficient UN bureaucracy. The keys to effective UN reform lie in a substantial reduction in the number of under-secretaries, in a consolidation of responsibilities and accountability under those which remain, in the nomination of the most highly qualified candidates for those posts, in the creation of a deputy-secretary-general to assist in administering the United Nations and coordinating its specialized agencies, and in the adoption of effective resource allocation procedures.[1]

It is essential, moreover, to professionalize the UN's personnel system. Priority consideration in hiring and promotions should be given to those who work the hardest, possess the requisite skills, and perform with distinction. "Tenure" should not protect those employees who are incompetent. Standardized, objective criteria are needed to evaluate employees' performance. Managers should have the leeway to terminate employees who do not perform satisfactorily, and to reward those who perform well.

The increased cost of the United Nations, due especially to the rising cost of peace operations, has led to increasing concern about how national resources allocated to the organization are managed. Like other UN activities, peacekeeping missions require effective accounting procedures and outside auditors to ensure that they are utilizing resources efficiently and in strict accord with mandated purposes. When the United States and other member states commit money to the United Nations, they have the right to be confident that their citizens' tax dollars are being used efficiently.

The establishment of an independent inspector general and associated staff is an essential step toward a more professional UN bureaucracy. To be effective, such an office would need to be placed at the under-secretary-general level and should report directly, and solely, to the Secretary General. The inspector general should develop and implement a set of standards for administrative and budgetary procedures. Audits should be carried out quickly and professionally, dropping the ad hoc gathering of auditing teams that is the current practice. Any violations of established procedures, particularly if there is a suggestion of criminal behavior, should be dealt with decisively and firmly.

Another top priority should be the installation of an experienced management team to oversee a comprehensive reform effort. The recent lack of continuity in the Office of Administration and Management has hamstrung the Organization at a particularly unfortunate time. It is incumbent that a new Under-Secretary for Administration and Management be named soon, and that he or she be an experienced manager with the skills, authority, and determination to implement the reform agenda.

---

1. *Brian Urquhart* would permit the creation of up to four deputy-secretary-generals to assist in administering the organization.

When to Become Involved

With respect to peace operations themselves, as a first step, the Security Council needs to take more care in determining which conflicts warrant UN involvement. The Security Council cannot approve operations for every situation, anywhere in the world, in which conflict occurs. This is one reform the United States can ensure alone, by the simple expedient of vetoing missions that are not essential.

In the Fall of 1993, President Clinton stated that his administration would look more closely at proposed peace operations before voting to approve them. He said that the United States will assess more realistically the requirements for success: Does the situation under consideration pose a real threat to international peace? Are the objectives clear and the scope clearly defined? Are the financial and human resources available to meet the mission's objectives? Can a successful resolution to the situation be achieved realistically? Without satisfactory responses to such questions, the United States should make use of its veto to ensure that the mission is not begun.

Decisions on the UN's involvement have to be made on a case-by-case basis. It is not really feasible to define with any precision the specific types of situations in which the United Nations should, or should not, become involved. The US Government, and all other member governments, must look carefully at each new potential intervention, assess the specific political and military situation on the ground, determine if the situation actually poses a threat to world peace and security, and ascertain whether or not a UN intervention would be in their national interest *and* if the world community is willing to provide the financial, human, and other resources necessary to carry out the mission successfully.

The members of the United Nations should take an especially careful look at civil conflicts in which one or more parties do not accept the UN role. If the members of the organization wish to ignore this constraint, they *must* be prepared to devote sufficient resources, and to empower military commanders sufficiently, to carry out the necessary military tasks. It is fundamentally irresponsible to place peacekeepers of any nationality in hostile situations without the means and authority to disarm hostile factions and protect their own lives.[2]

Mandates

When the Security Council approves a peace operation with an ambiguous or impossible mandate simply as a political "gesture," as has happened often in recent years, it damages the United Nations as an institution and reduces its ability to act effectively in other situations. It also puts soldiers and civilian UN employees in terrible danger for

2. *Harold Rogers* believes that the US should not become involved in peace operations for purely civil conflicts which bear no threat to US national security or international security interests. The UN was established to maintain peace among nations, not to become involved in civil wars, except in those very rare instances when a civil conflict directly threatens international security, and when all parties to the conflict agree to accept the UN's role. Had these principles been adhered to, the UN would not have become involved in Somalia or Haiti.

no good reason. Such "gestures" result in a reduced willingness of all member states to support the United Nations, and reinforce longstanding perceptions of the organization as a toothless debating society. When the members of the Security Council are not willing to write realistic mandates, the UN's involvement should be limited to mediation, good offices, or other diplomatic initiatives. The United Nations was established to do more than diplomacy, and it can do more, but only if its members adopt a more realistic outlook.

When the Security Council does decide to become involved in a conflict situation, it should send in forces with a tough-minded mandate that includes clearly defined and attainable goals, an effective military doctrine, and appropriate rules of engagement. Ambiguous mandates lead to confusion in the field about the objectives to be pursued and how to pursue them, and create unacceptable risks for soldiers on the ground. Mandates that do not take into account the "true" ground situation need to be reviewed and updated.

The United Nations also needs to be tougher in carrying out its mandates. The concept of operation and rules of engagement should be those necessary to make possible successful completion of the mandate. The Security Council and the Secretariat need to focus on the required rules of engagement, before deciding to initiate an operation, to get a sense of the types of military activities that might be necessary to complete the mission successfully. The UN's guiding principle of firing only in self-defense was valid for the types of situations in which peacekeeping operations traditionally were carried out. A new, more aggressive doctrine and rules of engagement must be defined for those situations in which UN peacekeepers are either prevented from carrying out their duties by hostile armed factions or actually become the targets of aggressive acts.

If hostile parties are permitted to dictate what the United Nations is able to accomplish once the organization is involved in a situation, future UN efforts will be jeopardized. In the former Yugoslavia, for example, UN peacekeepers were tasked in 1992–93 to secure the distribution of humanitarian relief supplies. In many instances, the parties to the conflict blocked the UN's efforts to carry out this mission. Confrontations, portrayed in the media, showed the United Nations to be weak in furthering its objectives. Subsequent UN missions in Somalia and Haiti clearly were made more difficult by opponents' appraisals that the organization could be pushed around.

Mandates also should include realistic deadlines and criteria for termination; the need for these elements reinforces the need for a strong mandate that promotes the achievement of goals within the allotted time frame. The current typical practice of writing six-month mandates maintains a tight lease on an operation, but also fosters a tendency for short-term thinking and encourages the view that deadlines are unimportant, as mandates are renewed virtually automatically.

Deadlines should be long enough to accomplish the goals of the mandate, but not so long that the UN mission becomes a permanent fixture in the situation. In writing a mandate, UN planners and, eventually, the members of the Security Council, should identify the specific goals to be accomplished, make realistic estimates of the time and resources required to achieve them and the sequencing with which they might be attacked, and derive from that the deadline for the mission. As the deadline nears, the UN staff and member states must make realistic assessments of what has been

accomplished and what has not, and determine if the mission should end on schedule or if the mandate should be revised and, perhaps, the deadline extended. Circumstances sometimes change and extensions are necessary, but there should be clear prejudice toward sticking with the plan.

Not least in importance, it must be clear that sufficient financial and military resources to accomplish the tasks assigned in the mandate will be made available. Even the most well-defined mandate and rigorous pre-planning for a mission are futile without the necessary funds, people, and equipment necessary to carry out the mission. If the resources are not likely to be made available to support a new peace operation adequately, then the members of the Security Council should not vote to establish the mission.

Financing Peace Operations

The methods used to budget and pay for UN peace operations are anachronistic and in desperate need of reform. They compound the difficulties of financing the UN, delay the start of new operations, and make it impossible for the UN to develop the infrastructure necessary to support military operations.

An integrated budget and financial assessment that encompasses all peace operations should be prepared each year, replacing the individual budgets and assessments that are now prepared for each mission separately. In fact, the budgets for most peacekeeping operations are reconsidered every six months, as the operation's mandate expires. Member states can thus receive as many as two bills yearly for each peacekeeping operation, to say nothing of their assessments for the regular UN budget and for specialized agencies. This frequent billing process lies outside of states' regular budgeting cycles, and makes it difficult for governments to set aside the proper amount of resources for the United Nations. It contributes to the persistent problem of arrears in payments of peacekeeping dues that has placed the United Nations in a difficult financial situation. It also encourages an image of never-ending payments to the international organization and aggravates the problem of building and sustaining political support for national participation in UN peace operations and other UN activities.

With an integrated budget, members would receive one annual bill for all peace operations. An integrated budget would necessitate a more rigorous process for budget estimates, including better means of gaining early warning of new missions. A contingency fund for possible new-starts would have to be included, but the Secretary General would be precluded from releasing all but a very small portion of the funds prior to authorization of the mission by the Security Council. Contingency funds are generally disliked by the member states but, with the management reforms proposed elsewhere in this report, might become acceptable.

Although the possibility of supplemental requests at times of extreme emergency could not be excluded, an integrated peacekeeping budget would reinforce the many other reasons for the United Nations to be discriminating in reviewing possible new missions. As we have mentioned, the members of the Security Council should only accept those new missions that are such clear threats to international peace that they are willing to make available sufficient resources to carry them out successfully, and should turn down participation in those situations that are either ill-defined, unaccomplishable, or simply unaffordable.

Whether or not peacekeeping budgets are integrated into a single annual assessment, procedures should be developed to make small amounts of funds available to the Secretary General at the very onset of any new peace operation, once it has been approved by the Security Council. Experience has shown that the first few weeks of a mission are crucial. When the arrival of units is delayed due to funding or manpower shortfalls, potential opponents are given greater time to organize and muster resources. The Secretary General needs a certain amount of funding to proceed with mission start-up while the budget cycles through the usual process. Delay in mission start-up could negate the objectives of the mandate and can also be read as a sign that the United Nations is not really committed to the operation.

Finally, the twenty-year old special formula used to assess peacekeeping costs is obsolete and should be revised. The scale divides member states into four categories. The permanent five members of the Security Council constitute Group A; these members pay about 20 percent more for peacekeeping operations than they do for normal assessments. Group B consists of developed nations; they pay the same rate for peace operations as for the regular UN budget. The less economically advanced nations of Group C pay 20 percent of their regular assessment rates for peacekeeping, while the least developed countries in Group D pay only 10 percent of their regular rates.

This method treats some countries in an overly generous manner, while penalizing others. Since the scale was devised in 1973, many nations, such as Japan and other countries in East Asia, Germany, and some OPEC countries, have experienced considerable relative growth in their per capita incomes and, in fact, are in a better position to pay for peacekeeping than some of the permanent members of the Security Council. The United States, on the other hand, pays 25 percent of the regular UN budget but more than 31 percent of UN assessments for peace operations. Most Americans believe that the United States pays too much for peace operations and that other wealthy nations pay too little. We agree.

In fact, the old rationale for having a special peacekeeping formula—that peacekeeping primarily served the interests of the great powers—is clearly no longer the case. Today, now that the East-West conflict has ended, peace operations are increasingly taking place in smaller and impoverished countries, helping to stabilize developing regions and providing humanitarian services to populations devastated by civil conflicts. Peace operations serve the interests of the great powers primarily indirectly, through their long-term impact on world stability. There is no longer a good reason for the assessment formula for peace operations to differ from the formula used for other UN expenses.[3]

---

3. *Enid Schoettle* and *Donald McHenry* agree that the United States should not pay as large a share of peacekeeping costs as it does now, but do not believe that the US peacekeeping share should necessarily be the same as its share of regular UN assessments. They note that the permanent members of the Security Council have special powers with respect to peacekeeping due to their veto rights; as such, a higher than normal assessment rate is fair. They also point out that the peacekeeping formula, like other UN assessment formulas, was devised to reduce the burden on the poorest countries. If the advanced countries were permitted to pay less, it would shift a greater burden on those least able to pay.

While not disagreeing with this position, *Chester Crocker* and *Ronald Spiers* also stress the rights

Providing Trained Peacekeepers and Support Staff

The members of the United Nations need to move forward on better means of providing the organization with trained military and civilian personnel on a timely basis. States should designate military units for potential service in peace operations and provide them with the specialized training necessary to operate efficiently in multinational UN operations. Currently, the practice of rounding up units for each new peace operation parallels the practice of "holding out the tin cup" to finance the operation; each is done on a rushed, ad hoc basis.

If countries were to designate units for potential service, the Secretary General would know where to look for particular capabilities. Designated forces should include infantry forces, military police, medical detachments, and support forces such as communications, transport, and logistical units. Designating units on this basis would not imply in any way a commitment to make those forces available for any particular mission. The actual commitment of designated forces for a specific mission would remain strictly a national decision.[4]

To prepare for those situations in which they would be willing to commit forces, member states should provide designated units with specialized training and equipment, preparing them to work more effectively in multinational peace operations. Until the past year, the major military powers had given very little thought to peace operations, and had not developed the specialized doctrines, standardized operating procedures, and advanced equipment that could enable military units of different countries to operate more effectively together in a UN context.

Past and ongoing peace operations have demonstrated that peacekeeping troops need to be well versed in riot and crowd control, in knowing how to protect themselves in static positions, in operating checkpoints and carrying out searches, in the use of

---

conveyed by the veto power and the connection between those rights and financial responsibilities. They note this relationship should be considered when countries, such as Germany and Japan, are requested to pay a larger share of peacekeeping costs.

Brian Urquhart reminds us that a substantial portion of the United States', and all other nations', contributions to the UN makes its way back into the US economy. New York City alone gains about $1 billion per year from the UN's presence there, he states.

4. *Harold Rogers* disagrees with the recommendation that each nation "designate" military units and specially train them for potential service in UN peace operations. Mr. Rogers believes that such designations would effectively be a de facto commitment of US troops in unanticipated, future peace operations. Mr. Rogers believes that all such decisions must be made on a case-by-case basis, depending on the political and military situation on the ground and the US national security interests served by such operations. He believes further that all US troop commitment decisions must be made with appropriate congressional consultation and action.

Brian Urquhart and *Donald McHenry* disagree with this recommendation, as well, but for very different reasons. They believe that the designation of units for peacekeeping service without automatic commitment constitutes a weak proposal. In the absence of a priori commitment, they note, the start-up of new missions would fece the same delays that they do now. Elsewhere, Mr. Urquhart has advocated the creation of a standing UN military force composed of individual volunteers. This standing force, he suggests, could be used for rapid deployments prior to the dispatch of a regular force made up of national contingents.

firepower when civilians and opposing military units are close to one another, in carrying out counter-mine operations, and in various diplomatic and administrative functions. Although the Nordic nations and a few others have developed specialized peacekeeping training courses, few of these tasks receive the necessary emphasis in routine military training. Moreover, developing nations, which potentially could provide a larger share of UN peacekeepers, do not have the resources to establish such training curricula or to provide them to their forces.

The UN's integrated peace operations budget should include funds for training and other support services. The cost would be too high for the United Nations to pay for the training of designated national units, but the United Nations could provide teaching materials for training courses, coordinate multinational training exercises, send out training teams to help nations develop peacekeeping curricula, organize conferences and other events that would facilitate the exchange of information among trainers, and even inspect and certify training establishments.

The training of police, election monitors, and other civilians who take part in UN peace operations is as important as the training of military units, and is generally neglected. Because civilians typically are recruited from large numbers of nations, the need for a coordination center, and even for UN-provided training, is even greater for civilians than for military units.

The United Nations also should continue to improve its capabilities to support peace operations. Much has been accomplished over the past year, but the organization has a ways to go to match the standards of contemporary military command and logistical capabilities. The United Nations has finally established a 24-hour command center, but continued investments are necessary to equip the organization with modern communications systems so that New York can stay in constant touch with all field headquarters and interact confidentially with field commanders through a variety of means. The organization also needs better early warning, logistical, administrative, and support capabilities.

Thought should be given, also, to the potential of specialized equipment, such as rapidly-deployable remote sensors coupled with modern information processing systems, to enhance the UN's capabilities for peacekeeping and, particularly, to reduce the risks which peacekeepers confront. Standardized equipment, especially communications equipment, would enable troops from different nations to work together more efficiently. Troops from developing nations, especially, do not always have the proper equipment for their tasks. Stocks of standardized equipment could reduce this problem.

Finally, the Department of Peacekeeping Operations in the Secretariat should be given the staff necessary to develop situational assessments of potential peace operations, to plan and manage an operation once it has been approved, and to coordinate national efforts to improve the training and standardize the equipment of peacekeepers.[5]

---

5. Some members of the group, including *Barry Blechman*, *Chester Crocker*, *John Deardourff*, *Donald McHenry*, *Harold Rogers*, and *Ronald Spiers* believe it important to give the Security Council a source of professional military advice by activating the Military Staff Committee, consisting of the chiefs of staff of

The US Role in UN Peace Operations

Until 1993, the US military establishment spent very little time thinking about, or preparing for, UN peace operations. As part of a general understanding with the other permanent members of the Security Council, the United States deliberately stayed out of UN missions, except for providing a small number of individual military observers and certain support services. Now that the US has begun to play a more active role in these missions, the US armed forces have begun to think through the requirements of multilateral peace operations and to develop appropriate doctrines, operating procedures, training curricula, and specialized equipment. In effect, the United States now faces the same contentious issues debated in the United Nations: How to fund peace operations and how to prepare for the possibility of participation.

Funding

Appropriations for peace operations are currently a part of the Department of State's budget. US activities in the United Nations are rightly viewed as part of American foreign policy, and therefore the responsibility of the State Department. But the US–UN relationship also has a military component. The 1945 UN Participation Act formalized the president's authority to detail military personnel and materiel to the United Nations in non-combatant situations. The Department of Defense has supplied military observers and airlift and sea lift to the UN for years. US forces served in Somalia in 1992–93, of course, and there is also a US combatant unit in Macedonia as part of the UN's preventive deployment there.

The DOD budget, however, contains no line item for these expenses, and payment for them is typically extracted from the military services' operating accounts. When the United Nations reimburses the United States for its participation, it typically covers only a small portion of the Defense Department's costs. Facing a declining budget, the Department of Defense is rightfully becoming more concerned about such unplanned uses of funds.

It seems clear that the Defense Department's participation in UN peace operations should be fully reimbursed; the cost of UN activities cannot be permitted to bite into the readiness of US forces for other types of contingencies. Defense funding could be accomplished either by including specific line items for such purposes in the Defense Department's budget and appropriation, or by having the State Department request the

---

the armed forces of the permanent members of the Security Council (or their designees), as called for by the UN Charter. At a minimum, the Committee could help the Security Council to estimate the resources and specific types of activities required to translate political objectives into actual accomplishments through the use of military forces, and to estimate the feasibility that the tasks could be accomplished given the situation on the ground. The availability of professional military advice would strengthen the Security Council's ability to write clear mandates with necessary rules of engagement or, for that matter, to decide not to participate in conflict situations when the task is too difficult. *Mr. Spiers* would go further and utilize the Military Staff Committee for many of the operational tasks now carried out by the Secretariat. In Mr. Spiers' view, the Secretariat's proper functions are principally administrative.

funds in its budget and reimburse the Pentagon. In the greater scheme of things, this bureaucratic squabble between executive departments (and also between congressional committees) is not really important. What is vital is ensuring that both branches of the government recognize that funds are required both for US participation in specific peace operations, and for preparing the armed forces to take part in them. If legislators and executive branch officials are not willing to authorize such expenditures, the US should not plan to participate.

How Should the US Participate?

We believe that the United States, like other nations, should designate certain military units for potential service in UN peace operations and provide those units with the specialized training necessary for them to operate effectively in multinational UN operations.[6]

In most cases, the United States' most important contributions to UN peace operations would consist of those unique military capabilities, such as airlift, specialized logistical units, and advanced technical means of intelligence that are available to us and to very few other countries. The US could also make an important contribution by helping, on a reimbursable basis, to train and equip forces designated by other nations for peace operations, especially those of poorer developing nations.

As the leading country within the United Nations, however, the United States must at times be willing to accept some of the risk that comes with the participation of combat units in peace operations. At times, the United States seems inconsistent in its attitudes toward UN operations. On the one hand, it insists on a leadership role; on the other hand, it is reluctant to participate in the "hard" tasks, notably the provision of combat forces. To other nations, especially those who have contributed troops and suffered casualties for many years, the US seems to be supporting a double standard. If the United States wants to lead, it must sometimes be willing to get out in front.

In short, the United States must tailor its participation to the situation, and particularly to the importance of the UN mission to American interests. US forces need not play a role in many UN peace operations, perhaps even most. For others, the US can contribute logistical and support capabilities that would not otherwise be available to the UN. In a few cases, however, when US interests are clearly at stake, the United States should be prepared to contribute combat units along with other countries. In these latter cases, moreover, it is particularly important that the Congress take part in the decision to become involved, along with the Executive Branch (see below).

The Command and Control of UN Peace Operations

The most sensitive and difficult issue is the question of command and control. Like other nations, the United States is hesitant to place its troops under foreign command

---

6. *John Sewall* and *Harold Rogers* believe that such a step would not be desirable. Instead, they believe, general training for peacekeeping should be included as part of the standard training curricula for all relevant forces, and supplemented by focused training for the specific mission before an actual deployment.

in potentially hostile environments. Americans will always place responsibility for any casualties on the US command chain, leading ultimately to the president. Thus, simply as a matter of political reality, any arrangement for a UN operation involving a real threat of hostilities, in which US combat forces will participate, needs to allow US military officials to carry out their responsibilities. At the same time, the command arrangements also need to allow the US forces to operate effectively in a multinational context.

One way which has been suggested to resolve this dilemma is to limit the authority of the UN force commander to the highest level of direction. The UN commander's responsibility would be to devise the overall military strategy intended to fulfill the objectives of the mandate, to arrange the basic deployment of forces assigned to the mission, and to map the overall campaign. Based on this evolving plan, the UN commander would provide strategic directives to individual national unit commanders. However, the latter, US officers in the case of US units, would have responsibility for operational planning and tactical command and control.

The UN force commander, for example, would give the US unit commander broad orders to achieve a certain objective or to complete a specific task in a specific location during a certain period of time. The US unit's own commander then would determine all the operational details, the procedures and actions needed to accomplish the mission, and then direct the American forces in an appropriate manner. The same arrangements, obviously, would have to be made for any other troop contributing country that wished to have them.

This type of command arrangement presupposes the deployment of units that are battalion-size or larger. Units of this size are independent entities with an autonomous command structure. They have the capability to operate alone. Those nations deploying smaller units, such as companies, which is often the case, would have to accept a more closely integrated command arrangement.

The range of the force commander's authority would be shaped by the Security Council during the operation's planning stage. Potential difficulties would be reduced if, as we have suggested previously, future mandates are written with clear objectives and realistic rules of engagement. Prior to authorizing a new mission, each of the Council's members, including the United States, should have a clear idea of what will be required to accomplish the political objectives, and of how the UN's force commander and the commanders of national contingents will divide their responsibilities.

Such a scheme, admittedly, is far from ideal. It places enormous emphasis on coordination among units and between units and the force commander. Planned actions by national unit commanders would have to be coordinated with the force commander and with national contingents in adjacent zones; arrangements for supporting and back-up forces would have to be made in a timely manner and secure communications established. The assignment of national contingents to different sectors and different types of tasks, as is typically the case, would help to avoid excessive difficulties. The training of units in the special doctrine and procedures of UN peace operations also would help to ease potential problems related to the

command arrangement. Even so, implementing such a command arrangement will always be difficult and risky.[7]

Our working group is divided on the issue of command and control. The largest number of members reluctantly support the general idea of divided command responsibilities, as just described, as a less than ideal, but practical necessity. Others oppose the proposal, but are themselves divided on the alternative.

A few members believe that the proposed compromise is unworkable and unwise because it could not guarantee US command and control of American troops. They state that in all circumstances in which US troops are in combat situations, those troops should always be under US command and control. They believe that this rule should be followed no matter how small the US combat presence might be. If the United States is not permitted to command the operation, they state, its participation, if any, should be limited to logistical and support functions.

Other members believe that the proposed compromise is unworkable and unwise because it could not result in effective UN peace operations. They state that any such arrangement would violate the military principle of unity of command and note further that since all other nations will demand the same arrangements for their forces, it would, in fact, be the end of multinational operations. They state that the degree of integration of the force is an indicator of the seriousness of the international community in carrying out peace operations, and that the US should not participate at all, if it is not willing, at times, to permit its troops to be commanded by competent and experienced foreign nationals.

These different perspectives not withstanding, as one of the permanent members of the Security Council, the United States will always have a clear say in the writing of any mandate, as well as the ultimate ability to veto any mission in which it disagrees with any aspect, including the assignment of command responsibilities. For any major enforcement action, in which the probability of combat is high and the United States is providing most of the required combat forces, it can rightfully insist on retaining command of the overall operation, as in Operation Desert Storm. In other cases, decisions on US participation should be made in conjunction with decisions on the specifics of the command arrangements, prior to the vote in the Security Council authorizing the mission, based on an evaluation of the US interests at stake and how they would be affected by the alternatives.

Finally, at all times, the president and US military authorities should keep close tabs on any US forces assigned to UN peace operations, combatants and non-combatants, through the United States' own unified command structure. Units assigned to peace operations should maintain communications with the appropriate US geographical command. That command should prepare contingency plans to reinforce or extract the

---

7. *James Thomson* points out that this concept of divided responsibilities is similar to the way that US forces would operate under allied commanders in NATO operations, with the principal exception being the level of command—divisions under national command, normally, in NATO; battalions under national command, normally, in the UN case.

US units if they were ever threatened by overwhelming force, and retain the capabilities to act decisively if such an eventuality ever developed.

The Congressional Role in Decisions on Peace Operations

As the members of the United Nations have extended the scope of the world organization's peace operations, and the cost of American participation has risen, the role of UN peace operations in US policy has become a serious issue between the executive and legislative branches. If the two branches don't heal this division and develop a constructive relationship on these questions, efforts to improve the UN's effectiveness in peace operations will be derailed by US domestic discord.

The president clearly has the constitutional authority to conduct foreign policy and to command the armed forces. However, executive decisions to approve costly UN peace operations and, particularly, to commit US personnel to participate in them without seeking the Congress' advice and consent have led to intense criticism by many legislators. In particular, there is concern that recent decisions have led to policies which follow the United Nations' direction, serving the interests of other countries and not those of the United States.

Legislators showed their discomfort during 1993 by introducing legislation which would curtail the president's freedom of action as pertains to peace operations. For example, a deadline of March 31, 1994 was imposed on US participation in the Somalia mission by legislation. A more inclusive piece of legislation proposed to withhold funding for any peace operation in which US combat forces had been placed under foreign command without prior congressional approval, but it was defeated. The Congress also again refused to appropriate the full amount requested by the administration to pay for UN peace operations, and turned down the request to create a Defense Department Peacekeeping Fund.

The Congress' concerns about UN peace operations have been building for a while. It is symptomatic of larger problems—differing opinions between the executive and legislative branches on the relative importance of foreign and domestic needs and the direction of foreign policy in general, as well as specific doubts about the United Nations and its implications for US security.

Legislated restrictions on the president's authority as concerns foreign and military policies are usually best avoided, if possible, as they encourage recalcitrance by opponents and weaken the credibility of US initiatives. Still, it is evident that if the executive branch does not accede to the establishment of a more interactive decision process on these matters, such restrictions indeed may be forthcoming. The Executive Branch clearly should consult with congressional leaders prior to decisions to authorize new UN peace operations, and certainly prior to decisions to commit US forces to any such operation. The Congress cannot be expected to appropriate funds for peace operations unless it is given a role in such decisions. Moreover, legislators, as the elected representatives of the American people, cannot be expected to accept the loss of American lives in UN operations without a prior understanding of the US national security interests involved. Presenting the Congress with *fait accomplis* has not aided the president in improving the effectiveness of UN peace operations.

The two branches do not have to remain divided on this issue. In its role as advisor to the president, the Congress can contribute to positive reforms in US policies toward the United Nations. The president cannot ignore the domestic constituencies required to gain support for his policies. He should want to consult with the congressional leadership and key committee members prior to undertaking either financial or military commitments by authorizing new UN missions. In these consultations, the executive branch should explain the purpose of the peace operation, how US interests will be advanced by it, and seek congressional advice on the level and type of US participation. Decisions on policy implementation will ultimately be the President's responsibility, but the president and the Congress should work together in the formulation of policy.

New legislation is not required to provide the Congress with such a consultative role. A standing, bipartisan consultative group could be established to monitor peacekeeping activities. This standing body would consist of about twenty members selected from the congressional leadership and appropriate committees—appropriations, armed services, foreign affairs, intelligence.

When the president is contemplating the commitment of US combat forces in a UN peace operation with a significant risk of hostilities, the need for congressional consultations is particularly acute. Indeed, most members of the group believe that, under such circumstances, the president should go beyond consultations and seek an affirmative action by the Congress prior to committing American troops. In their view, such a step would ease any doubts about the US commitment to the mission in question, dispel any illusions that divisions in the United States might cause the US forces to be withdrawn, and greatly aid the sustainability of American policy.

The group was divided on this issue, however, and particularly on whether or not a requirement for affirmative congressional action prior to the commitment of US combat forces to a UN peace operation with significant risk of conflict should be written into law, as has been suggested during the past few months by several key legislators. Some members of the group stated that such legislation would dangerously compromise the president's authority as commander-in-chief of the armed forces. They believe that the decision about whether or not to seek affirmative congressional action should be left up to the president, to be decided on a case-by-case basis.

Congressional involvement in decisions on peace operations is consistent with the ideas of the architects of the UN and the United States' participation in it. In the 1940s, the procedures governing participation of US combat forces in UN peace enforcement operations were left to be decided following conclusion of an agreement with the Secretary General, as specified in Article 43 of the UN Charter. Both the United Nations and member states stressed the importance of following national constitutional practices in implementing such arrangements, meaning that the US Article 43 agreement would have been subject to the approval of Congress, providing an opportunity to work out arrangements for consultations between the branches.

For a variety of reasons, however, no Article 43 agreement has been concluded by the United States, leaving us with the ad hoc practices now followed. Clearly, in the absence of a congressional-approved Article 43 agreement, the president should recognize the right and desirability of the Congress to have a say on commitments of US

combat forces to peace operations. The Congress, for its part, should not waver in taking on this responsibility. When the situation requires, the Congress should accept its responsibility to share with the president decisions to commit American lives to foreign dangers.

Congress can be a positive resource in aiding the president to improve the effectiveness of UN peace operations. A consultative group that understands the president's objectives can gather support among other legislators and help the president convey to the public the national interests served by the policy. Not bringing Congress on board beforehand can only lead to remonstrations and bad blood between the branches. Such confrontations between the president and Congress can erode policy and weaken the effectiveness of troops already deployed in the field, placing them in greater danger. Agreement on the Congress' role is a key measure for improving the potential for UN peace operations to serve American national interests.

The Need for US Leadership

Presidential leadership is essential to bring about reforms in the way the United Nations carries out peace operations. However, the president must also lead on the home front. Time must be spent so that the Congress comes to understand the president's concept of the role of UN peace operations in US security policy. The public must be educated on how peace operations and US participation in them can serve the United States' national interests, as well as the broader interests of the international community.

Polls show that Americans want the United Nations to succeed. They prefer multilateral means of keeping world peace to having the United States play the role of the world's policeman. Without the all-encompassing Soviet threat, the United States can now work to advance a wider agenda in order to help further national interests. The Cold War period, although tense at times, offered a measure of stability. A stable international environment offers the best environment for the United States to secure its political and economic interests. Although the smaller conflicts that are disrupting the international environment may seem to fall outside US interests, they can be harmful in the long-term. The United Nations, established to foster peace in the international arena, can be an effective instrument through which the United States works to alleviate instability.

The UN's role will remain a theoretical one, however, unless the world body makes far-reaching reforms in the way it goes about its business. The administration and the Congress should work out a comprehensive package of initiatives that the US Government can present as a unified program to the Secretary General and to UN member states. In summary, these initiatives include:

- Key reforms in UN procedures to eliminate waste and inefficiency, to create an independent inspector-general, to professionalize overall management and procedures, and to strengthen the UN's specific capabilities to carry out peace operations;
- Reforms in the financing of UN peace operations, including the creation of an integrated peacekeeping budget and revision of the special peacekeeping assessment formula so that the US share is reduced;

- Creation of appropriate procedures and organizations to ensure an effective congressional role in US decisions about UN peace operations;
- In the context of the successful implementation of such procedures, a congressional commitment to full payment of all assessments for UN peace operations. Efforts to withhold funding only increase the constraints on the UN's capabilities by forcing it to act with limited resources.

Reforms along these lines will increase the public's confidence in the United Nations and ease concerns about US participation.

As the world's predominant power, the United States cannot disconnect itself from the international environment. It also cannot choose to act only when vital interests are immediately in danger. But when such urgent threats are not involved, the United States does not have to act alone, but can work in collaboration with other countries. Effective United Nations peace operations offer an alternative for the United States to share the burden of world peace with like-minded nations.

Statement of the Honorable Rep. Robert Menendez (D-NJ) on H.R. 7, the "National Security Revitalization Act" before the House International Relations Committee

January 27, 1995

Mr. Chairman, the proposed "National Security Revitalization Commission" in Title III of H.R. 7 is ill-advised and unnecessary for national security and fiscal reasons. The Commission also would interfere with the Legislative and Executive Branch's prerogatives in safeguarding the national security of the United States. Secretary of Defense William Perry has eloquently testified before the House of Representatives to the needless and obtrusive nature of this proposed commission.

The stated legislative purpose of the commission, to "reassess United States military needs and reverse the continuing downward spiral of defense spending," places an unwise and inappropriate conclusory directive upon the commission's findings. The $1.5 million cost is further reason that the Congress ought not to establish this commission. It is difficult to reconcile the expenditure of $1.5 million of America's taxpayers' money on this needless commission at a time of sparse budgetary resources that we have mandated with the passage in the House of Representatives of a Balanced Budget Amendment to the Constitution.

Furthermore, the partisan composition of the commission would be an intrusion by the Congress into the duly constituted authority of the President as Commander-in-Chief of the Armed Forces of the United States. The commission's prefatory charge to "reverse the continuing downward spiral of defense spending," precludes any objective conclusions regarding national security and ensures that the taxpayers' money is wasted.

The Congress already has at least seven committees with jurisdiction over issues affecting the national security of the United States. These committees have the requisite competence and expertise to reassess United States military needs.

Adding a new layer of bureaucracy in this case is clearly unwarranted, unless it is the view of the Majority on this committee that the relevant committees of jurisdiction of the House and Senate are not sufficiently expert to assess, or to reassess, America's military needs. Unfortunately, the Majority in the House International Relations Committee, in voting unanimously, 22 to 16, to defeat an amendment I authored to eliminate this commission, has expressed a profound lack of confidence in the competence of congressional committees to safeguard the U.S. national security.

Secretary of Defense William Perry, in testimony this morning before the House National Security Committee, stated eloquently that the proposed commission was unnecessary and obtrusive.

> "... I find it deeply disturbing that it is now proposed that we change that relationship, that we interpose a commission between the Secretary of Defense and this committee, a commission which effectively is authorized to do both our jobs...
>
> "You are my commission. I do not need an independent commission interposing itself between myself and you, and you do not need an independent commission interposing itself...
>
> "You should not dilute the responsibilities of the Secretary of Defense by trying to turn a key part of them over to an independent commission. Rather, you should hold me accountable for meeting those responsibilities. And if you find that I'm incapable or unwilling to meet those responsibilities, you should ask me to step down as the Secretary of Defense.
>
> "... I feel strongly that the proposed commission usurps the responsibilities of the Secretary of Defense. At the same time, I believe that this independent commission would interfere with the ability of this committee to fulfill its responsibilities, by interposing itself between the committee and the Secretary of Defense...
>
> "Preventing a return of the nuclear threat, managing the defense drawdown, and making the right decisions about the use of military force. Those are the three big issues, the three big challenges, which I face every day as the Secretary of Defense, and which you as a committee face. How do we maintain a stable, peaceful world in which economies and democracies prosper without becoming the world's policemen?
>
> "... I believe that the answer is to get these on the table, debate them openly in the proper context, with the full policy and budgetary implications, on the table and understood. This is our job, your job and my job, not the job of the commission."

Unfortunately, the Majority strongly disagrees with the Secretary of Defense. For all of the above reasons, I urge my colleagues on the Majority to reconsider the inclusion of Title III to H.R. 7.

State Department Views on H.R. 7

United States Department of State

Washington, D.C. 20520

JAN 27 1995

Dear Mr. Chairman:

Secretary Christopher has asked me to respond on his behalf to your request for comments from the Department on H.R. 7 - The National Security Revitalization Act (NSRA), as amended on January 25. This letter comments only on those provisions dealing with peacekeeping issues.

The United States should not bear alone the burden of dealing with threats to international peace and security. This is one reason we have worked to strengthen regional and United Nations peacekeeping capabilities. Title I of the NSRA recognizes the value of credible and effective collective action on international security concerns through the UN and regional organizations such as NATO. Unfortunately, other provisions of the bill would severely degrade our ability to use the UN to advance our interests, and thus the Administration opposes this legislation. While we agree that we need to continue to improve consultations between Congress and the Administration on the serious issues dealt with in the bill, we do not believe that this is best accomplished through legislation.

Our most significant concerns arise from those provisions that:

-- demand credits against our CIPA assessment for expenditures in support of peace operations;

-- limit the use of DoD funds for UN peacekeeping activities;

-- add certification requirements on placing American forces under UN operational control;

-- restrict sharing of intelligence with the UN;

-- create new certification requirements for the UN inspector general, now that the Office of Internal Oversight Services has been created to meet the specific request of the United States;

The Honorable
Benjamin Gilman, Chairman,
Committee on International Relations,
House of Representatives.

-- restrict the payment of assessments to the UN until DoD has been paid for all reimbursable assistance rendered in the prior fiscal year; and,

-- add significant and unnecessary new reporting requirements.

The provision requiring the U.S. to be credited against our UN peacekeeping assessment for all the actions we undertake voluntarily in support of international security and law is particularly damaging to U.S. interests. The result of this provision would be to force the U.S. either to halt payments of peacekeeping assessments to the UN or to stop the actions we undertake voluntarily in accordance with UN resolutions -- such as enforcing sanctions against Iraq and providing humanitarian aid to Bosnia -- that directly serve U.S. interests. Either choice would harm American interests by limiting the President's options for responding to dangers around the globe.

Moreover, the U.S. would oppose decisions by other member states unilaterally to ignore their obligations under the UN Charter, for example the enforcement of sanctions against Iraq and Libya. We could not expect other member states to accept such a practice by the U.S.

One amendment offered on January 25 would exempt from the requirement for credit or reimbursement against our peacekeeping assessment any activity authorized under Chapter VII of the Charter that the President has certified to the Congress is of such importance to the national security of the United States that the U.S. would undertake the activity unilaterally if it were not authorized by the UN Security Council. Such a certification may well discourage other nations from joining us, safe in the knowledge that the U.S. was prepared to act alone. It is unlikely that this amendment would ameliorate the problem of encouraging countries to pick and choose which international obligations they will fulfill.

The Administration also strongly opposes the limitation on the use of Department of Defense funds for the United States share of costs of UN peacekeeping activities and the prohibition on paying the incremental costs of participation unless Congress has appropriated funds specifically for this purpose. In some instances, this provision could be read in a manner that would make it unconstitutional. Congress may not, for example, forbid the President from using United States forces to rescue Americans.

This language would also prevent the Administration from using DoD funds to pay UN assessments. As part of its policy of shared responsibility, the Administration has proposed allowing DoD to pay the assessments for those UN peace operations in which U.S. combat units are participating.

The Administration opposes the bill's restrictions on placing American forces under UN operational control. This provision would unconstitutionally intrude upon the President's authority as Commander-in-Chief to direct the armed forces of the United States. In the exercise of his constitutional power, the President has the responsibility for deciding upon the command arrangements for the United States military personnel who are lawfully participating in United Nations operations. Moreover, the Administration, through a Presidential Directive and in line with long-standing U.S. policy, already has placed strict conditions upon itself for the deployment of U.S. forces under UN operational control.

All elements of the intelligence community agree that the U.S. has a well-functioning system for sharing intelligence with the UN that fully protects sources and methods. Sharing intelligence with the UN, under carefully controlled procedures, advances U.S. interests by ensuring that operations are run more effectively and safely. Adding new restrictions and requiring new agreements on intelligence sharing would interfere with the President's constitutional authority to speak for the United States in diplomatic relations. Under the Constitution, the President has responsibility for deciding what he will say in diplomatic negotiations, and in particular for deciding which information bearing on national security will be revealed.

The provision on the UN inspector general adds requirements to the certifications already mandated in PL 103-236 and has the effect of moving the goal posts after the General Assembly has approved the creation of the Office of Internal Oversight Services (OIOS). The establishment in 1994 of OIOS, headed by an Under Secretary General who reports directly to the Secretary General, meets many but not all of the new certification requirements laid out in this provision. The UN Charter does not provide authority over the specialized agencies, each of which was created and is governed by its own treaty. Consequently, the UN has no authority to impose one inspector general over both the UN and the specialized agencies. Pursuant to PL 103-236, we are now evaluating inspector general-type functions in the specialized agencies, which will be more effective than pursuing an over-arching inspector general. Furthermore, there may be some reports, such as on certain personnel matters, that the inspector general should not and will not want to make available to the General Assembly.

The prohibition on U.S. payments of assessments until the Secretary of Defense has certified that the UN has reimbursed DoD for all goods and services provided on a reimbursable basis

in the previous fiscal year places us in an untenable box. The UN may not be able to reimburse DoD for bills submitted late in the year unless the U.S. has paid its assessment. For accounting or other reasons, DoD occasionally delays submitting bills, or there may be legitimate questions over billing. We note also that while the U.S. generally is paid promptly, some countries wait years for troop reimbursements.

The bill adds significant new reporting requirements on the Administration, in effect mandating a monthly report on peacekeeping developments. We believe that this will add an onerous administrative burden on the Department, without adequately meeting Congress' need for information. Department officials have been meeting with members of your staff to discuss ways of modifying the monthly briefings to meet your concerns. This is preferable to requiring additional paperwork.

On two other issues raised in the legislation, we would like to note that the Administration has been pursuing vigorously our shared goal of reducing the United States peacekeeping assessment from 31.7 to 25 percent. We continue to press on this issue and in the interim have informed other member states and the Secretariat that, as of October 1, 1995, the United States will be paying at the 25 percent rate.

On December 9, the UN General Assembly adopted a resolution opening for signature a new Convention on the Safety of UN and Associated Personnel. The U.S. played a leading role in negotiating the Convention, and Ambassador Albright signed for the United States on December 19. We will be submitting the Convention to the Senate for advice and consent to ratification soon.

Congress and the Administration share the same objectives: to enhance American security and to advance American interests. Although we cannot support many elements of this legislation, we hope that we can work with you to achieve a bipartisan foreign policy consensus that will serve the United States well into the next century.

If we can be of further assistance, please do not hesitate to ask.

Sincerely,

Wendy R. Sherman

Wendy R. Sherman
Assistant Secretary
Legislative Affairs

OPENING REMARKS OF AMBASSADOR MADELEINE K. ALBRIGHT
PERMANENT REPRESENTATIVE FROM THE UNITED STATES
TO THE UNITED NATIONS
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
JANUARY 20, 1995

Good morning. I want to begin by thanking Chairman Gilman for the opportunity to meet with you informally today. Next week, Secretary Christopher will testify concerning our overall foreign policy priorities and goals. I will restrict my remarks to international peacekeeping within the overall context of protecting and advancing American interests around the world, and talk briefly about where we now stand on United Nations reform. I also will have some observations to make about legislation now pending before the Committee.

Let me stress at the outset that my job is to further American interests through our participation and leadership at the United Nations. That we <u>have</u> interests there in this age of turmoil and interdependence is evident in the range of issues dealt with there--from the proliferation of nuclear arms to the containment of destabilizing conflict to human rights to the prosecution of war crimes to emergency humanitarian relief. Our goal is a UN that contributes to the solution of problems <u>before</u> they grow and endanger our security or economic well-being.

The Cold War is over and the Soviet empire is gone. But today's uncertain environment still presents threats to our security. These include:

o the possibility that weapons of mass destruction will fall into the wrong hands;

o attempts by regional powers hostile to U.S. interests to dominate their respective regions through aggression, intimidation or terror;

o ethnic or other conflicts that undermine stability, impede democratic reform and stifle economic growth; and

o transnational criminal enterprises, which thrive where national governments are either weak or complicit.

As a global power, we use our armed forces to protect our interests and advance our foreign policy around the world. One of the principal challenges we face in this new era is deciding where, when and under what conditions it will be necessary to deploy those forces. We have identified three basic categories of cases.

The first is when our vital interests are endangered--our territory, citizens, allies or economic health. We will do then whatever is necessary, including--when required--the unilateral and decisive use of military power.

The second category involves cases in which important, but not vital, U.S. interests are threatened, or where inattention could endanger vital interests not now at immediate risk. Here, we would consider the use of force to advance U.S. interests if we felt that we could do so successfully; if the costs and risks were commensurate with the interests at stake; and if other means would not succeed.

The third category involves primarily humanitarian interests. Generally, the military is not the best tool to address humanitarian concerns. But under certain conditions, where the need is urgent and only a military response will be effective, the use of our armed forces may be appropriate.

Contingency Operations.

The term "contingency operations" refers to deployments of American forces in the second or third category of cases; that is, situations where American interests of important, but not vital, concern are at stake. In these cases, we will want to use force selectively and in a manner that is proportional to our interests.

Today, most of the U.S. troops deployed on contingency operations are working unilaterally, or as part of ad hoc coalition or alliance, to deter or isolate potential aggressors. For example:

o 15,000 U.S. military personnel are enforcing no-fly zones over Iraq and policing the economic embargo against that country;

o 1,400 participate in Operation Provide Comfort, which assists the Kurdish minority in northern Iraq; and

o 5,800 are involved in the enforcement of the Bosnian no-fly zone and sanctions against Serbia and Montenegro.

In addition:

o 5,700 Americans are in Haiti, as part of the multinational force that restored democracy and ended the humanitarian crisis in that country;

o 984 participate in a multinational observer force in the Sinai, to monitor compliance with the Camp David Accords; and

o 700 are involved in the airlift of humanitarian supplies to civilians in Bosnia.

During 1994, U.S. forces also participated in operations to intercept tens of thousands of individuals seeking to enter America illegally by sea, and to save Rwandan refugees.

The majority of current deployments are not new, but rather date back several years. Cumulatively, they amount to only a tiny fraction of what our armed forces do, but they yield large dividends by deterring aggressive behavior, attaching a price to lawlessness, addressing urgent humanitarian needs and promoting democratic values in areas of substantial strategic concern to the United States.

UN Peace Operations and U.S. Interests

United Nations peace operations--which may or may not include Americans--can also serve our interests. In fact, the more able the UN is to contain or end conflict, the less likely it is that we will have to deploy our own armed forces.

Administrations from both parties have long looked upon UN peace operations as a means for gaining international participation, financing and backing for objectives we support. Today, of the more than 63,000 UN peacekeepers deployed in 17 missions, less than two percent are American. Yet, each operation is serving a purpose or purposes of interest to the United States:

For example:

On the **Golan Heights**, more than 1,000 UN troops ensure the observance of a cease-fire between Israel and Syria, keeping open the possibility for a breakthrough in Middle East peace negotiations.

Along the **Iraq-Kuwait border**, a 1,200-person observer mission (financed largely by Kuwait) monitors Iraqi troop movements, demonstrating the world's continued resolve against the expansionist ambitions of Saddam Hussein.

In **Cyprus**, 1,200 UN troops (financed partly by Cyprus and Greece) have prevented a flareup of violence between two key NATO allies, and provide insurance against the spread of tensions across the Aegean.

On the tense border between **India and Pakistan**, UN troops monitor a cease-fire between two regional rivals presumed to have nuclear weapons.

In **Haiti**, a U.S.-led operation has helped to restore democratic processes to an impoverished nation close to our shores, has stemmed a tide of refugees to the U.S., and helped to alleviate human rights abuses and suffering. When this operation is turned over to the UN later this spring, the number of U.S. troops participating--and the U.S. share of costs--will be reduced by more than half.

In **Croatia and the former Yugoslav Republic of Macedonia**, UN forces--including almost 800 Americans--are helping to prevent a wider Balkan war.

In **Bosnia**, the UN has worked in a sometimes uneasy partnership with NATO to restore a semblance of normal life to Sarajevo, prevent mass slaughter in "safe areas," and maintain a humanitarian lifeline that has kept hundreds of thousands alive, despite bitter fighting. These efforts, which have been welcomed by the Bosnian Government, have helped preserve the possibility for a negotiated end to the fighting.

In **El Salvador**, where America invested more than $1 billion in economic and military aid during the 1980's, the UN brokered an end to the civil war, disarmed and reintegrated the rebel forces into society, monitored human rights and elections and oversaw the creation of a new civilian national police.

In **Mozambique**, where our concerns are humanitarian and political, the UN has succeeded in demobilizing bitter military foes, repatriating refugees and creating a climate within which elections could be held. In so doing, it has contributed to greater stability in the whole of southern Africa.

Small observer missions in **Georgia and Tajikistan** provide a useful window on events in two newly independent states where Russian forces are deployed and where societies are struggling to gain stability, assert sovereignty and overcome ethnic clashes.

Most UN peace operations are small. More than half consist of less than 200 observers or peacekeepers. The only missions that now require more than 2000 personnel and that are expected to continue beyond the first months of 1995 are those in former Yugoslavia, Rwanda and Lebanon; the only new operations of this size that are currently contemplated would be in Haiti and Angola.

The total assessed cost to the United States of all UN peacekeeping operations in fiscal year 1994 was, roughly $1 billion, about $4 per American, and less than one-half of one percent of our foreign policy and national security expenditures. Further, direct U.S. participation in UN peace operations is modest. As of January 1, 1995, the U.S. ranked 27th among nations in the number of troops participating. Even after the UN mission to Haiti is deployed, with substantial U.S. participation, American forces will comprise less than five percent of the total of UN peacekeepers.

Overall, UN peacekeeping contributes to a world that is more stable, free, productive and secure than otherwise would be the case. We do not look to the UN to defend America's vital interests, nor can we expect the UN to be effective where the swift and decisive application of military force is required. But, in many circumstances, the UN will provide options for diplomatic, political and military action we would not otherwise have. It enables us to influence events without assuming the full burden of costs and risks. And it lends the weight of law and world opinion to causes and principles we support.

The Future of UN Peacekeeping

Traditionally, most UN peacekeeping missions have operated in a non-hostile environment. However, in Somalia and Bosnia, the UN has operated in a context where civil society has broken down or where one or more of the parties is not prepared to end the fighting. These operations have achieved important humanitarian goals, but the political and military complications they have faced have drained resources and tarnished the UN's reputation. This underscores our belief--shared by the Security Council--that large-scale, high intensity peace operations are not now within the capacity of the UN to conduct on its own.

If UN peacekeeping is going to work, we must be disciplined about when and under what circumstances we engage in it. Last May, President Clinton approved a policy requiring that tough questions be asked about the cost, size, risk, mandate, and duration of operations before they are started or renewed. The goal is to ensure that UN missions have clear and realistic objectives, that peacekeepers are equipped properly, that money is not wasted, and that an endpoint to UN action can be identified. The new policy is working, and has resulted in fewer and smaller new operations, and better management of existing ones.

For example:

- o Although one operation was expanded substantially (in Rwanda), there were no major new operations in 1994. In addition, the Security Council voted to terminate three missions including two of the largest--in Somalia and Mozambique. As a result, the total number of UN peacekeepers at year's end--63,138--was the lowest in almost two years.

- o The only wholly new UN operations approved in 1994 were a small military observer mission in Tajikistan and a mission in Chad that was completed successfully in just six weeks.

- o The UN has refrained from authorizing new missions in strife-torn states whose problems--under current conditions--are beyond the UN's ability to resolve.

- o In Angola, the Security Council has insisted that full deployment of a peacekeeping force cannot take place until the parties to that conflict demonstrate they are serious about observing ceasefire agreements they have signed. We concur fully in that requirement.

- o And the UN is increasingly looking to coalition operations, in which the Security Council authorizes one or more member states to lead and accept the financial responsibility for properly-monitored peace operations. Recent examples include Liberia, Rwanda, and Haiti.

Contingency Operations and U.S. Military Readiness

Decisions to deploy U.S. armed forces on contingency missions include consideration of the potential impact of such operations on the military's readiness for warfighting. Contingency deployments should not jeopardize the ability of the armed forces to perform their primary mission.

The greatest threat to readiness is that these unbudgeted missions are funded in the operations and maintenance accounts and may require deferral of other activities, including training, until reimbursement occurs. There can also be some wear and tear of equipment, and on extended operations, some erosion of warfighting skills that may or may not be offset by the value of hands-on experience.

The Administration is seeking to mitigate these problems. First, we are supporting UN and regional peacekeeping forces as alternatives, where circumstances allow, to the deployment of American troops.

Second, we are reducing the demands placed by contingency operations on active duty forces by making greater use of National Guard and Reserve forces and of civilian contractors.

Third, we would like to work with you--the Congress--on ways to ensure timely supplemental funding.

Improving the Way the UN Does Business

This is the UN's 50th year. For many of those years, the organization was crippled by divisions that distracted from its purpose. As a result, bad habits were developed, accountability eroded and bureaucracy grew.

With the help of like-minded nations, we are working to change the management culture at the UN; to improve accountability, reduce waste and improve results. This is a process that will take time, but we are making progress.

There were two major developments last year.

In late summer, the UN established an independent office with the functions of an Inspector General. This is something we worked for very hard, with the strong support of many Members from both parties of this Committee. The head of the new office, Under Secretary General Paschke, began work on November 15. We will do all we can to support the independence of the new office, and to see that it receives the resources necessary to be effective.

We are encouraged, as well, that the UN's new Under-Secretary General for Administration and Management, Joseph Connor, has established a broad agenda for reform. Mr. Connor wants a personnel system that rewards merit and penalizes poor performance; a streamlined internal administration of justice system; and a reduction in duplication and unneeded staff. Mr. Chairman, I can tell you personally that I consider Under Secretary-General Connor a breath of fresh air in an environment that sorely needs it. I hope you will all have a chance to meet with him, either in New York or--if you approve--we could set up a meeting down here.

We are also working with other nations to convene a high-level working group to formulate proposals for restructuring the UN. The model we are using is the Vice President's initiative to "reinvent" government aimed at producing better results at reduced cost.

In addition, we are continuing what is an uphill diplomatic effort to gain support from UN members for reducing the U.S. share of peacekeeping costs from more than 30% to 25%. An open-ended working group has been established to consider this and related issues. I have reminded UN members that U.S. law mandates a reduction in U.S. payments to 25% after October 1 whether or not UN members agree.

The "National Security Revitalization Act"

Finally, let me turn to the provisions of H.R. 7, the National Security Revitalization Act.

We recognize that it is an improvement in many respects over the national security provisions of the "Contract", which contained a number of obsolete and unworkable provisions. That said, I must tell you that the enactment of the NSRA--as written--would remove UN peacekeeping as an option for advancing American interests and undermine seriously our ability to gain support for U.S. positions within the Security Council.

We have a number of serious problems with the bill, some procedural, some constitutional, some related to policy. Let me highlight three sections in particular.

Section 501 would require that we deduct from our UN peacekeeping assessments the amount that we spend voluntarily on operations directly or indirectly in support of UN peacekeeping. If recent experience is any guide, this could eliminate, by our own calculation, all U.S. payments for UN peacekeeping. This prospect might seem attractive, but it would also:

- o make it impossible for the UN to budget accurately;
- o seriously erode UN peacekeeping's financial base;
- o violate our obligations under the UN Charter;
- o eliminate any possibility that we would be able to gain UN member agreement to reduce to 25% our official rate of assessment for peacekeeping; and
- o invite chaos by prompting other countries to mimic our unilateral policy. For example, other NATO members might seek a credit for costs incurred in enforcing the Bosnia and Iraq no-fly zones; Japan might seek reimbursement for the fund it established to underwrite logistics costs in Somalia or for its large voluntary contributions to the UN peace operation in Cambodia; Russia might decide unilaterally to deduct from its payments to the UN the costs of its peacekeeping deployments in the New Independent States; France might seek a credit for its actions in Rwanda; and the Gulf States, Germany and Japan could claim the largest credit of all--for underwriting much of the cost of Operation Desert Storm.

The result, in short, would be budgetary anarchy and a progressive inability on the part of the UN to plan, initiate or sustain peace operations. This would eliminate UN peacekeeping as an option and leave us more and more with the stark choice between unilateral action and inaction when emergencies arise.

Section 508 (b) would prohibit the Department of Defense from paying incremental costs associated with participation in UN peacekeeping activities unless Congress has appropriated funds for this purpose. This means that the President could not order American forces to participate in, or support, a UN peacekeeping operation without prior Congressional authorization and appropriation of funds--even if the American participation was on a fully reimbursable basis. An act of Congress would be required to send a military observer to Georgia. This provision raises very serious constitutional and foreign policy concerns.

Finally section 511 would have the unintended consequence, in my judgment, of reversing the progress we have been making on UN reform. It alters the criteria approved just last year governing the nature of the Office of Internal Oversight Services, or Inspector General. These criteria were negotiated successfully, although not easily, throughout the past summer. The legislation would require that we now go back to the UN and demand a series of changes, some of which have little or no chance of being accepted.

For example, the provision would require that the OIOS have access to "all records and officials of the specialized agencies of the United Nations." This would require separate negotiations with almost a dozen different autonomous governing bodies of agencies such as the International Atomic Energy Agency, the International Civil Aviation Organization and the World Health Organization. Under the provision, 20% of our regular UN budget contributions and 50% of peacekeeping funds, would be withheld until all these negotiations have been completed successfully. This is an unworkable and ill-advised provision.

In summary, let me say that I do not believe America's interests would be served by destroying UN peacekeeping or by making it more difficult for us to achieve our objectives at the UN. I do believe, however, that we need to develop a better mechanism for ensuring that Congress has an appropriate role in decisions that result in new, unforeseen and unbudgeted financial obligations. This includes the whole range of deployments of our armed forces on contingency operations. Regardless of how the current legislative debate is resolved, the Administration will do all it can to see that such a mechanism is developed. Continued effective U.S. leadership at the UN and around the world is a goal that both the executive and legislative branches share. We must work together to see that this goal is achieved.

Conclusion. Periods of great historical transition are normally accompanied by unrest as the ambitious, the aggrieved, the insecure and the just-plain-muleheaded look to see how far they can push without being pushed back.

The United States is not the world's policeman; but we Americans have a deep stake in whether conflicts are contained, social disruptions are minimized and international standards of behavior are respected. When emergencies arise, we will respond in accordance with our interests, sometimes on our own, sometimes as part of a coalition, and sometimes through the mechanism of an international organization.

Our armed forces remain the most effective potential guarantor of international stability and peace. They will continue to do their share to deter aggressors, isolate rogue regimes and participate in selected humanitarian and pro-democracy operations. At the same time, we will work to prevent conflict through vigorous diplomacy, and to strengthen regional and United Nations peacekeeping as viable alternatives to the use of our own armed forces for operations other than war.

In so doing, we can help to shape an international order that is more hospitable to our interests, more responsive to our leadership and more reflective of our values than it otherwise would be.

Thank you again for the opportunity to present the Administration's views. Now, I will be happy to respond to any questions you may have.

UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA

485 Fifth Avenue
New York, NY 10017-6104
Tel. 212 697-3232
Fax 212 682-9185
Cable UNASMER

Washington Office
1010 Vermont Avenue, NW
Suite 904
Washington, DC 20005
Tel. 202 347-5004
Fax 202 628-5945

Chair of the Association
John C. Whitehead

Chair, Board of Governors
William J. vanden Heuvel

Chair, Executive Committee
Louis Perlmutter

Co-Chairs, National Council
Elliot L. Richardson
Cyrus R. Vance

National U.N. Day Chair
Carroll Petrie

President & CEO
Thomas B. Morgan

Vice Chairs
Ruth J. Hinerfeld
Estelle Linzer
Arthur Ross
Michael W. Sonnenfeldt

Treasurer
Christopher Brody

Secretary
Shirley Quisenberry

Governors
Peter Adriance
Anne L. Bryant
Edison W. Dick
Rodolfo de la Garza
Patrick A. Gerschel
Maurice R. Greenberg
Mary A. Grefe
Rita Hauser
August Heckscher
William L. Hensley
Ramesh Krishnamurthy
Ledyanne Lau
John A. Luke, Jr.
Donald F. McHenry
William A. Miller
James A. R. Nafziger
Leo Nevas
William S. Norman
William J. Rouhana, Jr.
Berry Sandford
Jack Steinkman
Paul Tierney
Edwin J. Wesely
Richard S. Williamson
Milton A. Wolf

Executive Vice President
Chief Operating Officer
Neen Hunt

Executive Director,
Washington Office
Steven A. Dimoff

January 25, 1995

Honorable Lee H. Hamilton
2314 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hamilton:

I write to express deep concerns about provisions of the National Security Revitalization Act that would limit United States support for U.N. peacekeeping. These objections stem as much from my experience as Deputy Secretary of State during the Reagan Administration as it does from my current position as Chairman of the United Nations Association of the United States of America (UNA-USA). As drafted, the legislation would hinder and could even bankrupt U.N. peacekeeping.

Perhaps the most objectionable aspect of H.R. 7 is its pervasive assumption that U.N. peacekeeping does not serve important U.S. national interests. The United Nations is not our adversary; in many ways, it is our agent. In fact, collective action on international security problems, through the United Nations and, where appropriate, regional organizations, advances America's global security interests, strengthens national security, shares the burden among all our partners, and can offer substantial savings over unilateral action in military, political and financial terms. U.N. peacekeeping contains conflicts that could otherwise spread, acting as a circuit-breaker to prevent chain reactions which could lead to wider war.

The fact is that a majority of Americans do not want to see the United States take on the role of "world policeman". Often the only real alternative is working through the United Nations, as administrations of both parties have done -- and, since the end of the cold war, done consistently. While there may be concerns on Capitol Hill about the U.N.'s ability to do the job, the solution is to strengthen U.S. involvement, as we did with NATO -- not weaken it.

Like former Secretary of State James Baker, I do not believe that American interests are served by the burdensome reporting and certification requirements on U.N. peacekeeping contained in the National Security Revitalization Act. These truly constitute congressional micromanagement. The bill seems unaware of the dangers of instability and conflict in the post-cold war world, and absent such an understanding, the required reports and certifications serve only to prevent the United States and others from using the United Nations to contain conflict. At worst, they may prevent the United States from doing anything other than acting unilaterally.

The legislation's requirement that the U.S. offset its U.N. peacekeeping assessments by the amount of Defense Department direct and indirect support of U.N.-authorized operations will introduce chaos into peacekeeping's financial management. The costs budgeted for U.N. peacekeeping troops, supplies, and logistics still have to be paid; no military operation can be undertaken out of thin air -- whether one run by the Pentagon or the U.N. Whenever the United States Government has chosen to provide independent support, it has made the choice for reasons of national security interest, as with the no-fly zone over Iraq.

Of course, we are perfectly within our rights to provide services requested by the U.N. on a cost-reimbursement basis, to be incorporated in an approved U.N. peacekeeping budget; UNA-USA does not believe limited U.S. defense resources should have to compensate for deficiencies in an authorized Security Council peacekeeping operation. But member states cannot volunteer additional services and then fail to pay the costs commonly agreed to and assessed. H.R. 7 implicitly acknowledges this is unworkable by exempting the current United Nations operation in Macedonia from this and other provisions, since U.S. troops are there on the line. This is a reminder of the disastrous consequences when each country involved seeks to reduce its obligations by crediting in-kind support against the assessed budget needed to conduct a U.N. operation.

On the financing issue generally, I must object strenuously to provisions in the bill which would limit or withhold U.S. contributions to the world organization. Assessed contributions -- whether for the United Nations regular budget or its peacekeeping activities -- are a legal obligation, and under the law -- the duly ratified U.N. Charter -- it is the General Assembly, and not individual parliaments, that determines the apportionment of U.N. expenses. It is patently clear that the system cannot work any other way. We at UNA-USA call on the United States to meet its financial obligations to the world organization in full and on time as an example of responsible leadership in the U.N.

On the issue of prohibiting the placement of U.S. military forces under foreign command in U.N. peacekeeping operations, the proposed legislation forces an administration to choose between acting unilaterally without constraint or satisfying a myriad of requirements in order to cooperate with others in the achievement of potentially identical goals. In this regard, the provision unnecessarily limits the President's prerogatives in the conduct of foreign policy. Perhaps even more serious, this approach ignores the kinds of demands and expectations that member states have placed on the United Nations in recent years.

H.R. 7 would make our government's intelligence-sharing with the United Nations subject to an annual agreement between the parties that would take effect 30 days after being submitted to Congress -- a requirement applied to no exchange of intelligence information with any foreign power or other security organizations. Quite apart from the very real constitutional issues raised by this proposal, I wish to call attention to the practical impact of the provision. Information sharing on a case-by-case basis is an important way of attaining U.S. foreign policy objectives. For example, U.S. intelligence on the location and number of Iraq's weapons of mass destruction

has been instrumental in enabling the U.N. Special Commission on Iraq to disarm the Baghdad regime. Likewise, U.S. intelligence has been used to document atrocities in connection with investigations by the U.N. War Crimes Tribunal for the former Yugoslavia. The effectiveness of U.N. humanitarian relief efforts has been enhanced by the U.S. providing imagery-derived information on the magnitude and direction of refugee movements within and from Rwanda. In all of these ways, U.S. foreign policy objectives have been advanced. Altering the current intelligence-sharing arrangement could jeopardize the U.S. ability to provide intelligence in an emergency, thereby potentially resulting in dangerous situations for U.S. and other personnel involved in U.N. operations.

As the Committee on International Relations prepares to make recommendations to improve the National Security Revitalization Act, I urge you to consider ways of strengthening rather than weakening U.S. leadership at the United Nations. Ultimately, the reality of global interpendence does not allow the United States to retreat from engagement in the world. Our ability to deal with this reality, though, depends on reaffirming a spirit of bipartisanship that reflects America's continuing commitment to the rule of law and, whenever possible, the peaceful settlement of disputes through collective action.

Sincerely,

John C. Whitehead
Chairman

'PEACEKEEPING' ACCOUNTS GET NEEDED GOP SCRUTINY<

By Jeane Kirkpatrick<

(c) 1995, Los Angeles Times Syndicate<

After U.S. Rangers were ambushed in Mogadishu, officials of the Clinton Administration spoke less about ''assertive multilateralism,'' but they did not lose their enthusiasm for military operations commanded by the United Nations. Nor did they cut back U.S. funding for U.N. 'peacekeeping'' operations.<

Now as part of their ''Contract with America'' Republican leaders in both the House and Senate have introduced bills challenging key aspects of the Clinton team's U.N. policies. These bills would impose severe restraints on the Administration's ability to put U.S. forces under U.N. command and on its power to provide men, materiel and services to the United Nations above and beyond the amount the U.N. ''assesses'' the United States for peacekeeping costs ($1.5 billion in 1994) and what Congress authorizes.<

The House Bill (HR-7) was the focus of attention this week, where hearings got under way in the newly renamed House Committee on International Relations. The bill provides that the Administration must make regular reports of all direct and indirect contributions for all U.N. peacekeeping operations, and deduct the value of these contributions from the share the United Nations assesses the United States.<

The notion that all U.S. contributions should ''count'' against what the United States ''owes'' the United Nations is extremely upsetting to members of the Clinton U.N. team. They have launched a full-scale counterattacks with a closed-door appearance by U.N. Ambassador Madeleine Albright. She told the House committee that the proposed policy would bankrupt U.N. peacekeeping and create ''chaos.'' ''It would become literally impossible for the United Nations to manage or sustain peace operations,'' she said.<

How's that again? Most Americans will find it hard to understand why it would bankrupt the United Nations if the United States only paid its assessed share (31.7 percent), particularly since that share is more than two and a half times any other country's share of peacekeeping costs. But that is because most Americans -- having heard a great deal about how the United States doesn't pay its U.N. bills -- have had no way of knowing that, in addition to paying substantially higher assessed peacekeeping costs than any other country, the United States [illegible] many other contributions ''in kind.''<

These ''in kind'' contributions to the United Nations did

not begin with the Clinton Administration and are not limited to military and quasi-military operations. But like U.N. costs generally, they have escalated dramatically since Bill Clinton became President and Boutros Boutros-Ghali became Secretary-General. Peacekeeping costs rose from under $1 billion in 1991 to about $4 billion in 1993.<

I believe that no one -- quite literally no one -- has known the total U.S. contribution to the United Nations for U.N. peacekeeping. But HR-7 reports that for fiscal 1994 U.S. Department of Defense costs for U.S. military participation in U.N. ''peace'' operations totaled more than $1.721 million, in addition to the ''assessed'' cost of $1.5 million. Knowing that is a start.<

The Republican bill seeks to end this practice of making informal, unauthorized contributions. It requires that the total amount of the U.S. contributions be reported and deducted from the share ''assessed'' on the United States. Albright says this policy will mean we give nothing. She predicts that other major countries -- for example, Japan -- will follow suit and demand reimbursement for their ''in kind'' contributions. Let them. Most countries already get such credit.<

This confrontation had to happen -- in spite of some verbal obfuscation. These practices depart too far from normally accepted practices. By redefining the concept of ''defense'' and words like ''peacekeeping'' and ''peace operations,'' and by moving the ''peacekeeping'' account out of State and into the Defense Department, the Clinton Administration gained access to large resources to finance costly experiments in the multilateral use of force. It wasn't illegal, but it did involve using funds appropriated for defense for ''peacekeeping,'' and justifying it with the argument that ''peacekeeping'' -- in Somalia or Bosnia or Haiti or anywhere -- enhances American security.<

But this is not persuasive.<

Though conventionally called ''a bargain,'' U.N. peacekeeping has proved costly, dangerous and ineffective. The initial U.S.-led operation succeeded in staving off famine in Somalia. The follow-on U.N. ''peace operation,'' which used force under U.N. command and control, failed in achieving any of its goals. So has the U.N. ''peace operation'' in Bosnia.<

Events in Bosnia have demonstrated that aggression cannot be smothered in peacekeepers, nor can aggression be controlled with diplomacy, if the victim is weak and the aggressor strong and determined. In Bosnia, peacekeepers have maintained a bizarre neutrality between the ''ethnic cleanser'' and the cleansed, between the refugees driven from their homes, and those who drove them out, between the rapist and the raped.<

It's time for Congress and, one would hope, the Administration to take a new, hard look at what is possible to do through the United Nations, or in some other way, or not at all.<

(c) 1995, Los Angeles Times Syndicate

Honorable Newt Gingrich
Speaker of the U.S. House of Representatives
The Capitol
Washington, DC 20515

Dear Mr. Speaker:

As retired flag and general officers, we are writing to express our serious reservations about HR 872, which is now under consideration by the House of Representatives. We are especially concerned about provisions in the bill that would impose onerous and unnecessary restrictions on the President's ability to place U.S. forces under the operational control of other nations' military leaders for UN operations.

As you know, throughout our nation's history Presidents have found it advantageous and prudent for U.S. military forces to participate in coalition operations. During the Gulf War, in the U.S.-led UN operation in Korea, throughout the nearly 50 years of the NATO alliance, and in multilateral peacekeeping operations, our armed forces have successfully worked side-by-side with those of other nations to advance our national security.

In the post-Cold War world, it will remain essential that the President retain the authority to establish command arrangements best suited to the needs of future operations. As commander-in-chief, he will never relinquish command of U.S. military forces. However, from time to time it will be necessary and appropriate to temporarily subordinate elements of our forces to the operational control of competent commanders from allied or other foreign countries. As retired military officers, we can personally attest that it is essential to the effective operation of future coalitions that the President retain this authority. Just as we will frequently have foreign forces serving under the operational control of American commanders, so must we be able to negotiate reciprocal arrangements freely.

HR 872 would place unprecedented and, in our view, burdensome limitations on this authority. By narrowing the President's options and complicating the process of building a coalition during a crisis, the bill could, in effect, force the Administration to choose between acting unilaterally and doing nothing. Accordingly, we urge rejection of the restrictions on the President's command and control authority contained in this portion of HR 872 as unnecessary, unwise, and militarily unsound.

David C. Jones
General, US Air Force (Ret)

David E. Jeremiah
Admiral, US Navy (Ret)

Glenn K. Otis
General, US Army (Ret)

W.E. Boomer
General, USMC (Ret)

B.E. Trainor
LtGen, USMC (Ret)

STATEMENT OF
THE HONORABLE ALBERT R. WYNN
BEFORE THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
DURING THE MARKUP OF HR 7
THE NATIONAL SECURITY REVITALIZATION ACT
JANUARY 27, 1995

Mr. Chairman, on October 7, 1994 this Committee considered the NATO Participation Act. That legislation passed this Committee by unanimous consent, and was forwarded to the House floor, where it passed unanimously. That legislation was later signed into law by the President on November 2. Unfortunately, Mr. Chairman, my colleagues on the other side have proposed in HR 7 a measure that would weaken standards in the NATO Participation Act.

I must assume, Mr. Chairman, that the reason the sponsors of this legislation have proposed a weakening of these standards is that certain countries in Central and Eastern Europe cannot qualify for US military assistance under the NATO Participation Act. The United States cannot certify that certain countries have ceased arms sales -- including lethal weaponry -- to states on the terrorism list. Therefore, in their haste to grant immediate foreign assistance to Poland, Hungary, the Czech Republic and Slovakia, the sponsors of this legislation have changed the strict rules that we currently apply to those that deal with terrorists.

I find that shocking. I would also argue that the United States is better served by keeping a high standard, and asking any government that wants to join NATO and receive US military assistance to meet that high standard.

I cannot denounce the actions of terrorist organizations strongly enough, or with sufficient outrage. Just last weekend we witnessed a heinous terrorist attack in Israel. It is surely no coincidence that these terrorists struck in the wake of a productive meeting between Prime Minister Rabin and Chairman Arafat. The intent of the attack was clearly to kill the peace process in the Middle East, thereby killing the chances and hopes for the future of peace in the region. Mr. Chairman, this is a peace process that the United States has worked toward for decades, and yet there are those who would destroy it. How is it possible, then, for this Congress to relax our strict standards on terrorism and provide military assistance to those nations that in turn sell and transfer defense articles to these very terrorists?

The amendment that I am offering in conjunction with my friend, Mr. Ackerman, would strike the language in HR 7 that would enable NATO transition assistance to go to countries so long as they do not conclude new contracts after September 30, 1994 to export lethal military equipment to countries on the terrorism list. This Congress must stand strong against terrorism. The Wynn-Ackerman amendment maintains the commitment this Congress made last year.

BOSTON PUBLIC LIBRARY
3 9999 05983 906 6

ISBN 0-16-047088-9